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TEXTS ADOPTED

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**P8\_TA(2019)0239**

**Fundamental rights of people of African descent**

**European Parliament resolution of 26 March 2019 on fundamental rights of people of African descent in Europe (2018/2899(RSP))**

*The European Parliament,*

- having regard to the Treaty on European Union (TEU), and in particular the second and the fourth to seventh indents of the preamble, Article 2, the second subparagraph of Article 3(3) and Article 6 thereof,
- having regard to Articles 10 and 19 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin<sup>1</sup>,
- having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation<sup>2</sup>,
- having regard to Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law<sup>3</sup>,
- having regard to Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA<sup>4</sup>,
- having regard to the Second European Union Minorities and Discrimination Survey (EU-MIDIS II) published in December 2017 by the European Union Agency for Fundamental Rights (FRA) and to the FRA's report on experiences of racial

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<sup>1</sup> OJ L 180, 19.7.2000, p. 22.

<sup>2</sup> OJ L 303, 2.12.2000, p. 16.

<sup>3</sup> OJ L 328, 6.12.2008, p. 55.

<sup>4</sup> OJ L 315, 14.11.2012, p. 57.

- discrimination and racist violence among people of African descent in the EU<sup>1</sup>,
- having regard to its resolution of 1 March 2018 on the situation of fundamental rights in the European Union in 2016<sup>2</sup>,
  - having regard to the establishment in June 2016 of the EU High Level Group on combating racism, xenophobia and other forms of intolerance,
  - having regard to the Code of Conduct on countering illegal hate speech online agreed on 31 May 2016 between the Commission and leading IT companies, as well as with other platforms and social media companies,
  - having regard to General Recommendation No 34 of the UN Committee on the Elimination of Racial Discrimination of 3 October 2011 on racial discrimination against people of African descent,
  - having regard to UN General Assembly Resolution 68/237 of 23 December 2013 proclaiming 2015-2024 the International Decade for People of African Descent,
  - having regard to UN General Assembly Resolution 69/16 of 18 November 2014 containing the programme of activities for the implementation of the International Decade for People of African Descent,
  - having regard to the Durban Declaration and Programme of Action from the World Conference on Racism in 2001, recognising centuries of racism, discrimination and injustice faced by people of African descent,
  - having regard to the general policy recommendations of the European Commission against Racism and Intolerance (ECRI),
  - having regard to the recommendation of the Council of Europe's Committee of Ministers of 19 September 2001 on the European Code of Police Ethics<sup>3</sup>,
  - having regard to the comment of the Council of Europe High Commissioner for Human Rights' Human Rights of 25 July 2017 entitled 'Afrophobia: Europe should confront this legacy of colonialism and the slave trade',
  - having regard to Protocol No 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms on non-discrimination,
  - having regard to the question to the Commission on fundamental rights of people of African descent in Europe (O-000022/2019 – B8-0016/2019),
  - having regard to Rules 128(5) and 123(2) of its Rules of Procedure,
- A. whereas the term 'people of African descent' may also be used with 'Afro-European', 'African European', 'Black European', 'Afro-Caribbean' or 'Black-Caribbean', and refers to people of African ancestry or descent who are born in, citizens of, or living in

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<sup>1</sup> 'Being Black in Europe', November 2018, report outlining selected results from EU-MIDIS II.

<sup>2</sup> Texts adopted, P8\_TA(2018)0056.

<sup>3</sup> [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=09000016805e297e](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805e297e)

Europe;

- B. whereas the terms ‘Afrophobia’, ‘Afri-phobia’ and ‘anti-black racism’ refer to a specific form of racism, including any act of violence or discrimination, fuelled by historical abuses and negative stereotyping, and leading to the exclusion and dehumanisation of people of African descent; whereas this correlates to historically repressive structures of colonialism and the transatlantic slave trade, as recognised by the Council of Europe’s High Commissioner for Human Rights;
- C. whereas there are an estimated 15 million people of African descent living in Europe<sup>1</sup>, although equality data collection in EU Member States is neither systematic nor based on self-identification and often omits descendants of migrants or ‘third generation migrants’ and beyond;
- D. whereas the FRA has documented the fact that minorities in Europe with sub-Saharan African backgrounds are particularly likely to experience racism and discrimination in all areas of life<sup>2</sup>;
- E. whereas according to the recent Second European Union Minorities and Discrimination Survey conducted by the FRA<sup>3</sup>, young respondents of African descent, aged between 16 and 24, experienced higher rates of hate-motivated harassment during the 12 months before the survey (32 %) than older respondents, and that cyber-harassment is highest towards young respondents and decreases with age;
- F. whereas histories of injustices against Africans and people of African descent, including enslavement, forced labour, racial apartheid, massacres, and genocides in the context of European colonialism and the transatlantic slave trade, remain largely unrecognised and unaccounted for at an institutional level in the Member States;
- G. whereas the persistence of discriminatory stereotypes in some traditions across Europe, including the use of blackfacing, perpetuates deeply rooted stereotypes about people of African descent which can exacerbate discrimination;
- H. whereas the important work of national equality bodies and of the European Network of Equality Bodies (Eqinet) should be welcomed and supported;
- I. whereas the OSCE Office for Democratic Institutions and Human Rights (ODHIR) Annual Hate Crimes Report<sup>4</sup> has found that people of African descent are often targets of racist violence, yet in many countries there is a lack of legal assistance and financial support for victims recovering from violent attacks;
- J. whereas the primary responsibility for the rule of law and the fundamental rights of citizens lies with governments, and whereas the primary responsibility for monitoring and preventing violence, including Afrophobic violence, and prosecuting the

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<sup>1</sup> See European Network Against Racism, *Afrophobia in Europe – ENAR Shadow Report 2014-15*, 2015, available at: [http://www.enar.eu.org/IMG/pdf/shadowreport\\_afrophia\\_final\\_with\\_corrections.pdf](http://www.enar.eu.org/IMG/pdf/shadowreport_afrophia_final_with_corrections.pdf)

<sup>2</sup> See Second European Union Minorities and Discrimination Survey (EU-MIDIS II) (2017) at: <http://fra.europa.eu/en/publication/2017/eumidis-ii-main-results>

<sup>3</sup> Ibid.

<sup>4</sup> See latest published in 2016: <http://hatecrime.osce.org/2016-data>

perpetrators is therefore incumbent on governments;

- K. whereas only limited data is available on racial discrimination in the education system; whereas, however, evidence suggests that children of African descent in the Member States are awarded lower grades than their white peers in schools, and early school leaving is markedly higher among children of African descent<sup>1</sup>;
- L. whereas adults and children of African descent are increasingly vulnerable when held in police custody, with numerous incidents of violence and deaths recorded; having regard to the routine use of racial profiling, discriminatory stop-and-search practices and surveillance in the context of abuse of power in law enforcement, crime prevention, counter-terrorism measures, or immigration control;
- M. whereas legal remedies for discrimination exist and strong and specific policies are needed to address the structural racism experienced by people of African descent in Europe, including in employment, education, health, criminal justice and political participation and in the impact of migration and asylum policies and practices;
- N. whereas people of African descent in Europe experience discrimination in the housing market and spatial segregation in low-income areas, with poor quality and cramped housing;
- O. whereas people of African descent have contributed significantly to building European society throughout history, and whereas large numbers of them face discrimination in the labour market;
- P. whereas people of African descent are disproportionately represented among the lower-income strata of the European population;
- Q. whereas people of African descent are overwhelmingly underrepresented in political and lawmaking institutions, at European, national and local levels in the European Union;
- R. whereas politicians of African descent are still facing ignominious attacks in public sphere at both national and European levels;
- S. whereas the racism and discrimination experienced by people of African descent is structural and often intersects with other forms of discrimination and oppression on the basis of sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation;
- T. whereas a rise in Afrophobic attacks in Europe has recently been directly targeted against third-country nationals, particularly refugees and migrants;
- 1. Calls on the Member States and the EU institutions to recognise that people of African descent are subjected to racism, discrimination and xenophobia in particular, and to the unequal enjoyment of human and fundamental rights in general, amounting to structural racism, and that they are entitled to protection from these inequities both as individuals and as a group, including positive measures for the promotion and the full and equal

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<sup>1</sup> FRA opinion 11.

enjoyment of their rights;

2. Considers that active and meaningful social, economic, political and cultural participation by people of African descent is key to tackling the phenomenon of Afrophobia and ensuring their inclusion in Europe;
3. Calls on the Commission to develop an EU framework for national strategies for the social inclusion and integration of people of African descent;
4. Condemns strongly any physical or verbal attacks targeting people of African descent in both public and private spheres;
5. Encourages the EU institutions and the Member States to officially acknowledge and mark the histories of people of African descent in Europe, including of past and ongoing injustices and crimes against humanity, such as slavery and the transatlantic slave trade, or those committed under European colonialism, as well as the vast achievements and positive contributions of people of African descent, through both the official recognition at EU and national level of the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade and through establishing Black History Months;
6. Encourages the Member States and the European institutions to formally mark both the UN International Decade for People of African Descent and to take effective measures for the implementation of the programme of activities in a spirit of recognition, justice and development;
7. Recalls that some Member States have taken steps toward meaningful and effective redress for past injustices and crimes against humanity - bearing in mind their lasting impacts in the present - against people of African descent;
8. Calls for the EU institutions and the remainder of the Member States to follow this example, which may include some form of reparations such as offering public apologies and the restitution of stolen artefacts to their countries of origin;
9. Calls on the Member States to declassify their colonial archives;
10. Calls for the EU institutions and the Member States to make efforts to systematically fight ethnic discrimination and hate crime and, along with other key stakeholders, to develop effective, evidence-based legal and policy responses to these phenomena; considers that if data on ethnic discrimination and hate crime were to be collected, it should be for the sole purpose of identifying the roots of and combating xenophobic and discriminatory discourse and acts, in accordance with the relevant national legal frameworks and EU data protection legislation;
11. Calls on the Member States to develop national anti-racism strategies that address the comparative situation of people of African descent in areas such as education, housing, health, employment, policing, social services, the justice system and political participation and representation, and to encourage the participation of people of African descent in television programmes and other media, in order to adequately address their lack of representation, as well as the lack of role models for children of African descent;
12. Stresses the important role of civil society organisations in combating racism and

discrimination, and calls for an increase in financial support at European, national and local level for grassroots organisations;

13. Calls for the Commission to include a focus on people of African descent in its current funding programmes and for the next multiannual period;
14. Calls on the Commission to set up a dedicated team within the relevant services, with a specific focus on Afrophobia issues;
15. Insists that Member States implement and properly enforce the Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law, in particular the inclusion of bias motivations for crimes based on race, national or ethnic origin as an aggravating factor to ensure that hate crimes against people of African descent are recorded, investigated, prosecuted and sanctioned;
16. Calls on the Member States to effectively respond to hate crime, including the investigation of bias motivation for crimes based on race, national or ethnic origin, and to ensure that hate crimes against people of African descent are recorded, investigated, prosecuted and sanctioned;
17. Calls on the Member States to end racial or ethnic profiling in all forms in criminal law enforcement, counter-terrorism measures and immigration controls, and to officially recognise and combat practices of unlawful discrimination and violence through anti-racism and anti-bias training for the authorities;
18. Calls on the Member States to denounce and discourage racist and Afrophobic traditions;
19. Calls on the Member States to monitor racial bias in their criminal justice and education systems and in their social services, and to take proactive steps to ensure equal justice and improve relations between the law enforcement authorities and minority communities, to ensure equal education and improve relations between the education authorities and minority communities, and to ensure equal social services and improve relations between the social service authorities and minority communities, in particular Black communities and people of African descent;
20. Calls on the Member States to ensure that adults and children of African descent have equal access to quality education and care free from discrimination and segregation, and to provide adequate learning support measures when necessary; encourages the Member States to make the history of people of African descent part of their curricula and to present a comprehensive perspective on colonialism and slavery which recognises their historical and contemporary adverse effects on people of African descent, and to ensure that teachers are adequately trained for this task and properly equipped to address diversity in the classroom;
21. Calls for the EU institutions and the Member States to promote and support employment, entrepreneurship and economic empowerment initiatives for people of African descent to address the above-average unemployment rates and labour market discrimination that they face;
22. Calls on the Member States to address discrimination against people of African descent in the housing market and take concrete steps to address inequalities in access to

housing, as well as ensuring adequate housing;

23. Calls on the Commission and the Member States to ensure – taking into account existing legislation and practices – safe and legal avenues for migrants, refugees and asylum seekers to enter the EU;
24. Calls on the Commission and the European External Action Service to effectively ensure that no EU funds are being made available, or any support or collaboration given to organisations or groups engaged in or connected to enslavement, trafficking and torture or to extortion directed at Black and African migrants;
25. Calls for the European institutions to adopt a workforce diversity and inclusion strategy that establishes a strategic plan for the participation of ethnic and racial minorities in their workforce that complements existing efforts to this end;
26. Calls on European parties and political foundations, as well as parliaments at all levels in the EU, to support and develop initiatives encouraging the political participation of people of African descent;
27. Calls on the Commission to closely liaise with international actors such as the OSCE, the UN, the African Union and the Council of Europe, as well as other international partners, in order to combat Afrophobia at international level;
28. Instructs its President to forward this resolution to the Council, the Commission, the parliaments and governments of the Member States and the Parliamentary Assembly of the Council of Europe.