

By Dr Michael McEachrane, [michael.mc\\_eachrane@rwi.lu.se](mailto:michael.mc_eachrane@rwi.lu.se), +46-725-120202

**1. What are the trends and patterns in the manifestations of systemic racism against Africans and people of African descent in Europe? How are governments addressing systemic racism in their legal, institutional and policy frameworks?**

Thank you for beginning with a question that focuses on systemic racism. The issues with law enforcement and the criminal justice system, as symbolic and emotionally charged as they are and the devastating impact that they have on many African descendent communities in the Americas especially, are still merely the tip of an iceberg of systemic racism. I hope that the report will emphasize this and not allow issues of law enforcement and criminal justice to distract from the broader and deeper issues of systemic racism that pervade our everyday lives.

Regarding systemic racism in Europe, let me briefly say a few words about how it is relevant to Europe, how to conceptualize it and how the report can encourage states to more adequately address it from a universal human rights perspective.

The trends and patterns of systemic racism against Africans and people of African descent here in Europe are clear and well established. For example, as demonstrated by the two European Union Minority and Discrimination Surveys, across all major areas of society in all European countries that have been surveyed people whom we can describe as being of non-European descent/people of color/or non-white are especially discriminated against and within this group in particular people of African descent and in some contexts Roma and people of North African or Middle Eastern descent.

As much as such structural racism is a well-established fact in Europe, there is a dire lack of political, legal and public discourse or even adequate concepts to address it. I hope that the report can emphasize that “ethnicity”, “ethnic discrimination”, “ethnic segregation” or whether or not people have an “immigrant” background and the like are wholly inadequate vocabularies to describe racism against people of African descent and other people of color in Europe. I doubt that the average European can name more than three ethnic groups in Africa. I know that CERD and the DDPA mechanisms may not be in the habit of encouraging states to refer to white people and people of color, but Europe needs to find ways of speaking of racial discrimination as such, including, for example, how white European identities have been cultivated and institutionalized over centuries socially, culturally, economically, politically etc and is part and parcel of European national identities and nationalisms.

Here it is worth noting that the by far to date most ambitious action plan against racism in Europe, the recently launched *EU Anti-Racism Action Plan 2020-2025* mentions structural racism 5 times, but makes no reference to the basic realities, patterns or trends of structural racial discrimination against people of color in Europe.

Regarding addressing systemic racism against people of African descent in Europe, European governments could greatly benefit from adopting a universal human rights perspective on systemic racism. Whereas all European anti-discrimination legislation, including the Race Equality Directive from 2000, focuses on individual and isolated forms of direct and indirect discrimination, the ICERD and DDPA emphasizes structural forms of discrimination that lead

to group differences in the enjoyment of rights and the responsibilities of States to recognize and monitor such group differences while upholding the equal dignity and rights of all its inhabitants, including developing so-called special measures for people of African descent and other discriminated against groups. It would be a game-changer if European governments internalized this sort of perspective.

## **2. What are the regional trends and patterns with regard to human rights violations against Africans and people of African descent by law enforcement and in the criminal justice system? What is the impact of intersecting forms of discrimination? What data is available on these areas?**

Here I would like to focus on the consequences of racial segregation in Europe to increases of social unrest, crime and violence as well as disproportionate racial profiling, law enforcement and involvement in the criminal justice system. As you all know, racial segregation is explicitly mentioned by the ICERD as a form of racial discrimination.

Across Europe, people of African descent and other people of color are overrepresented in socio-economically poor and segregated housing areas with disproportionately high levels of unemployment, low-skilled service employment, school dropouts, poor health, crime and violence. As already WEB DuBois pointed out in his pioneering study in urban sociology, *The Philadelphia Negro* (1899), the causes of disproportionate levels of poverty and “social dysfunction” so to speak in such segregated communities is a result of chronic discrimination, unequal opportunities and negative social spirals and not as too many in mainstream society may think a result of innate group differences or cultural deficits. I would like to suggest that a key part of this report should be to encourage States to break the deafening silence and inaction around racial segregation and its detrimental impacts on, for instance, disproportionate levels of interactions with law enforcement and the criminal justice system, not to mention social cohesion, unproductive costs to society and the health and well-being of people of African descent.

For example, around the major cities of Sweden as well as in France you’ll today find racially segregated communities with extensive social problems, including high levels of school dropouts and rising levels of gang related violence. Comparative studies have shown such communities around the three largest cities of Sweden to be as racially segregated as Los Angeles. And while there is increasing public calls and political action to be tougher on crime in Sweden too and a lot of references in media to the “suburbs” as they are colloquially referred to in Sweden too as in France, and sometimes, mostly among researchers, references to “ethnic segregation”—there is no political discourse on these areas as examples of issues of structural racial discrimination. Not to mention political action to break such forms of racial discrimination.

I’m hoping that the report will call for sustained, comprehensive, holistic and creative actions to properly recognize and address racial segregation as such. Among the actions that will need to be taken is to guarantee equal access to quality education, which given the extensive social issues in racially segregated communities, will need to be more holistically conceived than how public education is traditionally conceived, and, for instance, in line with the lauded Harlem Children Zone follow and support children from conception to college age and include broader range of aspects of development, including physical and psychological health and social inclusion.

**3. What measures, processes and/or mechanisms exist in the region to ensure accountability and redress for contemporary manifestations of systemic racism and human rights violations by law enforcement against Africans and people of African descent? What are the outcomes and effectiveness of such measures? What have the government responses been to anti-racism peaceful protests in the region, and were they in conformity with international human rights standards?**

The need for a paradigm shift to move beyond national and regional anti-discrimination law... its toothlessness etc in addressing structural racial discrimination.

So far the most promising political actions that have been taken in Europe to address or at least recognize the contemporary manifestations of systemic racism against people of African descent is the European Parliament *Resolution on the Fundamental Rights of People of African Descent* (2019) and the more recent *Resolution on the Anti-racism Protests Following the Death of George Floyd*, which was passed by the European Parliament in June 2020.

With respect to people of African descent, the *Resolution on the Fundamental Rights of People of African Descent*, is especially and even for the EU surprisingly progressive and is the direct result of civil society activism. It includes a recognition of **structural racism** and that people of African descent are particularly likely to experience racism and discrimination in all areas of life in the EU; **Afrophobia/anti-black racism** and that people of African descent are subject to a particular form of racism; its **historical roots in colonialism and enslavement** and that the structural racism faced by people of African descent in the EU are *rooted in European histories of structural racism*—including, especially repressive structures of colonialism and enslavement (which it affirms is a *crime against humanity*); and, finally, **the need for targeted measures** to address anti-black racism, including so-called "positive action".

Unfortunately, so far it has not been implemented. For instance, although people of African descent are mentioned three times and anti-black racism once in the body of the text in the *EU Anti-Racism Action Plan 2020-2025*, there is not one specific measure mentioned for people of African descent. The drafters of the report may want to refer to the resolution on the fundamental rights of people of African descent as an example of best practices towards addressing the universal human rights situation of people of African (and indirectly encourage European Member States to implement it).

**4. What measures exist in the region to address historical legacies and linkages between enslavement, the transatlantic trade in enslaved Africans, colonialism and systemic racism, with a view to contributing to accountability and redress? Do they integrate a gender and intersectional approach to redress and accountability? What are the impediments to change in the region with regard to the issues in the resolution, and what needs to be done to bring about transformative change?**

There really are no such measures in Europe save for a few museums. The already mentioned European Parliament resolutions do in writing recognize historical legacies and linkages between enslavement, the transatlantic trade in enslaved Africans, colonialism and systemic racism. However, they have yet to be properly implemented. I'm proud to say though that I as a representative of the European Network of People of African (ENPAD) descent initiated and co-organized the inaugural commemoration of the European Day for the Abolition of the

Slave Trade on 2 December last year, which Birgit Van Hout who's on this call participated in as a moderator and as recommended by the mentioned EP resolution from June last in response to the global BLM protests.

Reparatory justice as called for by the DDPA, a 2019 General Assembly report by the UN Special Rapporteur on Racism, UNESCO and last month by the High Commissioner of Human Rights, Michele Bachelet, in her speech at the inaugural commemoration of the European Day for the Abolition of the Slave Trade, is critical for any resolute and comprehensive recognition and address of systemic racism against people of African descent in Europe and its historical roots.

I hope that the report will reiterate this point and recommendation and even link it, as I believe it should be linked, to sustainable development.

This is also a matter for the UN level. For example, the report could recommend that the UN set up a Tribunal for Reparatory Justice, a UN Commission for Truth and Reconciliation on Systemic Racism and/or empower the forthcoming UN Permanent Forum on People of African Descent to be properly funded and politically effective.