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# Combating Afrophobia, or anti-Black racism, in Europe

**Report**[1]
Committee on Equality and Non-Discrimination
Rapporteur: Mr Momodou Malcolm JALLOW, Sweden, Group of the Unified European Left

*Summary*

In spite of anti-discrimination legislation and policies, Afrophobia, or anti-Black racism, is still rife in Europe. People of African descent and black Europeans face prejudice and abuse, hate speech, including in public and political discourse, barriers in access to quality education, healthcare and housing. Their representation in public and political life is very low.

In 2020, protests against racism following the brutal death of George Floyd and the disproportionate impact of Covid-19 on people of African descent and black Europeans raised public awareness of the severity of Afrophobia. They also triggered stronger support by leading public personalities in Europe, opening a "window of opportunity" for counteraction.

Contemporary racism is rooted in colonial history, enslavement and the transatlantic slave trade. Council of Europe member States should acknowledge this link, recognise Afrophobia, or anti-Black racism, as a specific form of racism, and introduce education, information and awareness-raising measures to counter it. They should design and implement anti-racism action plans, supported by data that are disaggregated by ethnic origin.

1. Reference to Committee: Doc. 14924, Reference 4463 of 30 September 2019.

**Contents** **Page**

A. Draft resolution ..... 3
B. Explanatory memorandum by Mr Momodou Malcolm Jallow, Rapporteur ..... 5
1. Introduction ..... 5
2. Colonialism and slavery among the root causes of Afrophobia ..... 5
3. The role of civil society: national non-governmental organisations and the European Network Against Racism (ENAR) ..... 7
4. The need for ethnic equality data collection ..... 8
5. The role of intergovernmental organisations ..... 9
6. A window of opportunity ..... 11
7. Countering racism and promoting political representation of people of African descent: towards a new Charter of European political parties for a non-racist society ..... 12
8. National antidiscrimination action plans and legislation ..... 13
9. Conclusions and recommendations ..... 14

## A. Draft resolution[2]

1. Afrophobia, or anti-Black racism, is a form of racism that targets people of African descent and black people and manifests itself through acts of direct, indirect and institutional discrimination, as well as violence, including hate speech. Based on socially constructed ideas of "race" and reflecting the groundless belief that certain "racial" groups are biologically or culturally inferior to others, Afrophobia seeks to dehumanise and deny the dignity of its victims.

2. In spite of national antidiscrimination legislation and policies and international human rights obligations of Council of Europe member States, racism, including Afrophobia, is still rife in Europe.

3. An estimated 15 million people of African descent and black Europeans are part of the population of our continent, either as migrants or established for generations. They come from all walks of life and have contributed to Europe's development and culture for centuries. Their contribution is not adequately recognised and even the numerical size of this group is not acknowledged, due to data collection regulations in some countries that do not take into consideration ethnic origin. This lack of data hinders the design, implementation, and assessment of antidiscrimination measures.

4. In 2020, the tragic death of George Floyd due to police violence, followed by widespread protests on both sides of the Atlantic, and the disproportionate impact of the Covid19 pandemic on people of African descent and black people (among other vulnerable minorities) have sparked new awareness among Europeans of the extent and severity of Afrophobia. Increased public awareness, together with strong support to anti-racist protests from political leaders at national and European level, have opened a window of opportunity that should be seized without hesitation.

5. The Parliamentary Assembly observes that racism is rooted in colonial history and that the injustice of colonisation and enslavement is still reflected in today's structural and institutional discrimination against people of African descent in Europe. Racism, including Afrophobia or anti-Black racism, fatally undermines the mission and core values of the Council of Europe and eradicating it must be an absolute priority for the Organisation and its member States.

6. The Assembly reiterates that public figures, including politicians, have an important role to play in combating racism in all its forms, and firmly condemns the use of xenophobic and racist rhetoric and propaganda, particularly in these contexts. A proactive and concerted effort is required to counter racism, including Afrophobia; remaining silent in the face of its manifestations can only perpetuate inequality and discrimination.

7. The Assembly stresses that education is key to combating racism and that the cultural industries, including traditional and online media, should embrace diversity and promote a culture of inclusion that firmly rejects racism and xenophobia.

8. The Assembly recalls its Resolution 1968 (2014) "Tackling racism in the police" and most recently Resolution 2364 (2021) "Ethnic profiling in Europe: a matter of great concern", in which it called on member States to take determined action against ethnic profiling through a range of measures, including ensuring diversity in the recruitment of police forces so as to reflect the diversity of the population, as well as Resolution 2339 (2020) "Upholding human rights in times of crisis and pandemics: gender, equality and non-discrimination", which highlighted that people of African descent, among others, have been disproportionately affected by the Covid-19 pandemic due to persisting inequalities.

9. The Assembly supports the International Decade for People of African Descent (2015-2024) proclaimed by the United Nations and supports the activities of its relevant specialised agencies, bodies and procedures, particularly at European level. It welcomes the adoption by the European Commission Anti-racism Action Plan 2020-2025.

10. The Assembly commends the work of the European Commission against Racism and Intolerance (ECRI), reiterates its full support to the Commission and highlights the need for Council of Europe member States to effectively implement its standards.

11. In the light of these considerations, the Assembly calls on the Council of Europe member States to take determined action to eradicate Afrophobia, or anti-Black racism, and all other forms of racism and to:

11.1. recognise Afrophobia, or anti-black racism, as a specific form of racism;

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2. Draft resolution adopted unanimously by the committee on 15 March 2021.

11.2. endeavour to recognise the legacy and negative impact of colonialism, enslavement and the transatlantic slave trade and consider introducing reparations schemes and establishing ad hoc truth commissions to this end;

11.3. develop national action plans to counter racism, associating people of African descent and black Europeans in the design, implementation and evaluation of measures; action plans should address structural discrimination, including at institutional level, as well as multiple and intersectional discrimination, in all areas including employment, political representation, policing, access to justice, goods and services, to healthcare, to housing and to quality education;

11.4. raise public awareness of racism, including Afrophobia or anti-Black racism, by organising or supporting relevant campaigns and activities, including events such as the African Week organised yearly in Brussels or initiatives like the Black History Month currently observed in Ireland, the Netherlands and the United Kingdom, as well as cultural activities in libraries, archives and museums that acknowledge and empower people of African descent and black people and their positive contribution;

11.5. ensure that colonial history is part of school curricula, as well as teaching about the historic presence of people of African descent in Europe and their contribution to its economy, culture and society;

11.6. ensure that the negative and stereotypical portrayal of people of African descent is removed from educational material and from the media, including information and advertising;

11.7. collect equality data disaggregated by ethnic origin, based on self-identification, anonymity and informed consent;

11.8. support civil society organisations active in the area of antiracism and ensure they have adequate access to public funding.

12. The Assembly invites national parliaments to:

12.1. encourage the creation of caucuses and intergroups representing people of African descent within elected bodies at national and European level;

12.2. ensure that rules of procedures and ethical codes prohibit the use of racist and xenophobic language, with adequate disciplinary sanctions for non-compliance;

12.3. support the No Hate Parliamentary Alliance, its mandate and its functioning.

13. The Assembly supports the initiative of updating and relaunching the Charter of European political parties for a non-racist society as a tool for combating racism and hate-speech, and for promoting political representation of racialised groups including people of African descent.

## B. Explanatory memorandum by Mr Momodou Malcolm Jallow, Rapporteur

### 1. Introduction

1. Afrophobia is a form of racism that targets black people and manifests itself through acts of direct, indirect and structural discrimination, as well as violence, including hate speech. Based on socially constructed ideas of "race" and reflecting the groundless belief that certain "racial" groups are biologically or culturally inferior to others, Afrophobia seeks to dehumanise and deny the dignity of its victims.

2. The term Afrophobia to indicate discrimination against people of African descent has become widely accepted in the last few years and is used by human rights activists and organisations both at intergovernmental and non-governmental level. While the suffix -phobia literally refers to fear, it is used in this case to indicate bias and discrimination, as in other terms such as xenophobia, Islamophobia and homo-, bi- and transphobia. I consider the term "anti-black racism" to be equivalent in meaning and also acceptable.

3. An estimated 15 million people of African descent and black Europeans are part of the population of our continent and they are confronted with racism and discrimination on a daily basis. The lack of precise figures on the numerical size of this group is correlated with the regulations on data collection currently in force in a number of Council of Europe member States, which rule out data disaggregated by ethnic origin. This hinders the design, implementation and assessment of antidiscrimination policies in this area.

4. In 2020, the tragic death of George Floyd at the hands of the police, followed by large protests on both sides of the Atlantic, and the disproportionate impact of the Covid-19 pandemic on, among other groups, people of African descent, has sparked a new awareness in Europe of the extent and severity of Afrophobia. Public awareness of the problem, together with the strong support from public figures and political leaders for anti-racist protests, has opened a window of opportunity that should be seized without hesitation by decision makers across member States.

5. The preparation of this report included a range of activities including several hearings, webinars and fact-finding visits to Germany and the United Kingdom. Due to the public health situation, the visits were conducted online. I would like to thank the delegations of these two member States for their support in the organisation of the visits,

6. The first hearing was held in Strasbourg on 30 January 2020, with the participation of Ms Mireille Fanon-Mendes-France, a legal expert, former member of the United Nations' Working Group of Experts on People of African Descent and current Chair of the Frantz Fanon Foundation, and Mr Wouter Van Bellingen, a member of the Board of the European Network Against Racism (ENAR). Dr Mischa Thompson of the Helsinki Commission (based in Washington DC, United States) was also invited to take part in the hearing, and although she was unable to participate in person, she kindly provided me with a written contribution.

7. On 1July 2020, a webinar on "Taking a stand against systemic discrimination and institutional racism in Europe: parliamentary response" organised by the Committee on Equality and Non-Discrimination focused on the current situation in Europe, and the developments in the United States after the violent death of George Floyd as a result of police brutality and the protests that followed on both sides of the Atlantic.

### 2. Colonialism and slavery among the root causes of Afrophobia

8. Among the root causes of racism in Europe, colonialism has a particularly important place. This was widely discussed at the hearing of 30 January 2020. Ms Mireille Fanon-Mendes-France, in particular, was firm in her belief that there is a deep correlation between colonial history and racism, which in turn was closely correlated with capitalism. The continuous quest for new, cheaper resources, typical of capitalism, pushed European powers to turn to Africa and forcibly take control of vast sections of this continent, seize the land and exploit their populations. This, said the expert, was the result of the unacceptable idea that humankind was divided in two groups, those who owned all the wealth and those who owned nothing. Black Africans, in the eyes of colonisers, were destined to be the ones left with nothing. According to Ms Fanon-Mendes-France, this vision has never really disappeared: racism is still rife in Europe and is linked to an attitude that accepts such economic inequality between black and white people. The dire economic situation of territories mainly inhabited by people of African descent in European countries, such as France's overseas territories or the Dutch Caribbean, and the fact that this situation is completely ignored by their governments, Ms Fanon-Mendes-France says, clearly confirms the existence of a discriminatory attitude targeting people of African descent. Afrophobia is a particularly harsh form of discrimination, manifesting itself in vile attacks where even

public figures are not spared: as members of government, Ms Kyenge (Italy) and Ms Taubira (France) were both abused by fellow politicians while performing their official duties. People of African descent have become the "others" par excellence and are presented by some as a threat to the European way of life.

9. However, racist theories predate colonialism. While their enduring presence may be a consequence of colonisation, the perverse idea of a hierarchy of human "races" was certainly used to justify this process from the onset. The perception of African people as radically different and inferior made it acceptable for Europeans to occupy and exploit entire countries, under the pretext of "civilising" indigenous people. Racism in its most brutal form led to perpetrating crimes against humanity such as enslavement and the transatlantic slave trade. Only the complete dehumanisation of African people at the time of colonisation can explain the process of commodification that turned these children, women and men into the object of a despicable trade.

10. The ideas that were used to justify enslavement, the transatlantic slave trade and the practice of slavery seem to linger in today's collective conscience, in Europe and beyond. Afrophobia is fuelled by historical abuses and enduring negative stereotyping, which have led to the dehumanisation of people of African descent and, as a consequence, to their exclusion. Ms Fanon-Mendes-France's recommendations, were mostly of a cultural nature, based on the idea that only a better knowledge of history and a better understanding of the impact of colonialism and capitalism can change people's attitude towards, and perception of, people of African descent, thus bringing about real change.

11. I discussed this theme with my interlocutors in Germany, in particular Mr Christian Kopp, board member of the Berlin section of Postkolonial. A network of antiracist groups that focus their work on spreading knowledge of colonial history, this organisation "deals with colonial past the way they wish the general public did". Colonial facts such as the genocide in Namibia (the first Postkolonial group was founded in 2007 on the occasion of the 100th anniversary of this crime) are seldom discussed, Mr Kopp explained; moreover, that school curricula minimise Germany's role in colonialism, so many people are not aware of this part of their country's history. And yet, Germany played a role in this process, both as a colonial power and on the occasion of the Berlin Conference of 1884-85 which laid the foundations for the occupation of the entire African continent by Europeans. Aissatou Binger of the Zentralrat der afrikanischen Gemeinde in Deutschland (Central Council of the African Community in Germany) concurred that the impact of colonial history is still present: the image of people of African descent reflects, in her views, ideas and prejudice coming from the past, including from the time of the Nazi regime.

12. Mr Andreas Nick, Chairperson of the German delegation to the Assembly who opened the series of meetings of the online country visit, confirmed that awareness of Germany's colonial past was limited, as this era had ended early in the 20th century. However, this issue had been discussed more actively in recent years, for instance in the context of objects of African origin exhibited in German museums and how this had an impact on people's perception of persons of African descent.

13. Postkolonial groups have conducted over 30 "Decolonize!" actions in German cities including Cologne, Hamburg and Munich, asking local authorities to change street names glorifying those historically involved in colonialism. Many of these actions have proved successful, and, according to Mr Kopp, German institutions are open to discussing the issue of colonial history, although much remained to be done. A resolution of the German Parliament, for instance, recognised that the colonial past was part of Germany's history. However, while Communism and National Socialism are referred to as criminal regimes, colonialism is only defined in this text as part of the country's past, and not as a historical wrong.

14. Mr Kopp confirmed that the teaching of colonial history in schools should be strengthened, even though changing school curricula has proved to be a more difficult process than changing street names. He also suggested creating a memorial of colonial history in Berlin, which should not be simply a monument, but also an information and documentation centre equipped with teaching facilities. Such a structure should work on colonialism globally and not only concerning Germany.

15. My interlocutors in the United Kingdom were fully aware of the link between colonial history and racism, in particular targeting people of African descent, in view of the major role that this country had in colonisation. The recent scandal of discrimination targeting the "Windrush Generation" (workers from Caribbean countries who arrived in the United Kingdom between 1948 and 1973) confirms how people coming from former colonies are still vulnerable to unequal treatment. Such discrimination is often engrained even in the country's institutions.

16. I can only share and support the recommendation from historians and activists that colonial history should be included in school history curricula. I would add that the study of this part of history should take into account the perspective of African countries and the work of experts who are African or of African descent. The production of knowledge of this history has always been controlled by those who operate the wheels of

power. As a result, people of African descent have always been mere consumers of this knowledge. This particular form of exclusion contributes to perpetuating misrepresentation and misconceptions of people belonging to this group, thus paving the way for other forms of discrimination against them.

### 3. The role of civil society: national non-governmental organisations and the European Network Against Racism (ENAR)

17. Over the last few years, civil society organisations have seen their space shrinking and their independence threatened by public authorities, especially in some member States. They should be adequately supported, and their role acknowledged, also in view of the vacuum they fill. While people of African descent and Black Europeans are not visible enough in politics, they are well represented by a variety of groups and non-governmental organisations. These entities mirror the multifaceted nature of Black European communities, bringing together people from different origins and walks of life, and they engage in activities ranging from legal assistance to individuals to advocacy with local authorities and central governments.

18. Numerous civil society organisations were invited to contribute to this report, whether by participating in hearings and webinars or through bilateral meetings during country fact-finding visits. I consider it crucial to make use of their expertise and first-hand knowledge of the challenges that people of African descent face in our societies, and to take note of their recommendations.

19. I have mentioned the input I received from civil society representatives during the visit to Germany, notably about “decolonisation”. In the United Kingdom I met with representatives of the International Decade for People of African Descent Coalition, BlackOut UK (a not-for-profit social enterprise run by a volunteer collective of gay men) as well as the Runnymede Trust and Operation Black Vote, which are among the country’s leading independent race equality think-tanks. I also exchanged with representatives of academia, namely Dr Eddie Bruce-Jones of the Birbeck School of Law and Professor Gary Younge of the University of Manchester School of Social Sciences, who have worked extensively on the situation of people of African descent and the forms of discrimination that they face, including structural and institutional racism, and multiple and intersectional discrimination.

20. My interlocutors from the United Kingdom were adamant that their country is not immune to racism and that Black and Minority Ethnic people (this term and the acronym BME are widely used) may face discrimination on the basis of ethnicity, language, religion, tradition and cultural practices. However, it appears clear to me that the cultural and political debate about racism, including Afrophobia, is very open. As early as 1999, the McPherson report on the racially motivated murder of Stephen Lawrence provided a definition of institutional racism as being “the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.”[3] In addition, civil society organisations defending the rights of minority groups are numerous and visible, and the participation of these groups in the public and political spheres is higher than in other Council of Europe member States. Finally, I would like to highlight that the British experience in the area of data collection is a positive example that is worth disseminating. I will return to this subject in more detail in paragraphs 29 and 31 of the present memorandum.

21. Civil society is often best placed to identify the racist nature of cultural traditions. Antiracist activists were the first to criticise the figure of Black Pete, assistant of Sinterklaas (similar to Saint Nicholas or Santa Claus) impersonated by a young white man in black face, which is part of the traditions of the end of the year festive season. A “Kick Out Zwarte Piet” campaign was launched and the debate over the need to part from this tradition has proved very divisive.

22. Also in the Netherlands, cultural initiatives have contributed to raising awareness and enriching the debate on ethnic diversity and racism. “Musea Bekennen Kleur”, for instance, is a collaboration between 12 museums that intend to show “the true colours”, or in other words to integrate diversity and inclusion in their cultural offer and make lasting changes to current museum practices. Other museums will be allowed to join and this experience is intended to be shared with cultural institutions beyond Dutch borders. Also worth mentioning are the Black Archives, a series of book collections and artifacts from the legacy of Black Dutch

3. “The Stephen Lawrence Inquiry, Report of an inquiry by Sir William MacPherson of Cluny” (Ref. Cm 4262-I), para. 6.34, Government of the United Kingdom, Home Office, London, 24 February1999.

writers and scientists, focusing on race issues, racism, slavery, colonisation, gender and feminism. Open to the public, these collections help inspire the conversation on diversity and to generate additional cultural and artistic productions.

23. The Europe-wide work of the ENAR is particularly important. The Network brings together anti-racism and anti-discrimination non-governmental organisations across Europe. ENAR conducts research, mobilisation and advocacy. Among other things, it carries out awareness raising activities such as the European Union People of African Descent Week, held yearly in Brussels. In 2015, ENAR published a "Shadow report on Afrophobia", illustrating the severe discrimination that people of African descent and black Europeans face. The report was and still is a major reference in this area.

24. ENAR's shadow report shows that discrimination is prevalent not only in employment, with higher unemployment rates and obstacles to career progression, but also in public life and particularly in politics, where black Europeans are greatly under-represented. Racial profiling, discrimination by law enforcement agencies and difficulties in access to justice (including as victims of hate crimes) are additional challenges faced by people of African descent. Structural issues also include attainment gaps at schools and difficulties in accessing by healthcare and housing.

25. ENAR's report also underlines that the lack of reliable and comparable data makes it more difficult to have an adequate grasp of the situation, and for legislators and policy makers to adopt effective measures. In some European countries, this is due to regulations banning the collection of data disaggregated by ethnic origin, which means that aiming to prevent discrimination sometimes leads to perpetuating it.

26. ENAR recommends that European governments work to address institutional forms of racism such as racial profiling and inequalities in employment, education and housing. National governments should allocate resources to equality policies, including on data collection and on structural inequalities, and provide funding for grassroots organisations working to keep records and to challenge racism.

27. To achieve that, in line with the Durban programme of action, adopted at the World Conference against Racism in Durban, South Africa, in 2001, member States should adopt action plans to combat racism and, specifically, Afrophobia. These plans should recognise the historical and structural injustices faced by people of African descent and take concrete steps to address this. National action plans should include the collection of equality data based on self-identification to provide sound evidence for structural discrimination. They should set out effective policies to address racist violence against people of African descent, as well as tackle structural disadvantages experienced by people of African descent in all areas of public life.

28. In the field of criminal justice, these plans need to ensure real justice for victims of racist violence and their families, bring racial profiling to an end and make State actors, including criminal justice systems, accountable for abusive behaviour.

## 4. The need for ethnic equality data collection

29. As I previously mentioned, in the United Kingdom ethnic disaggregated data is regularly collected, particularly on the occasion of the census (which is held every 10 years, the last being held 2011). In England and Wales, 18 ethnic groups are used when governmental agencies ask for someone's ethnicity. These groups are part of five larger groupings, namely White, Mixed or Multiple ethnic groups, Asian or Asian British, Black, African, Caribbean or Black British, and Other ethnic groups. Thanks to this system, we know that in 2011 87% of people in the United Kingdom were White and 13% belonged to a Black, Asian, Mixed or Other ethnic group.

30. In many member States, collecting information on individuals' ethnic origin is wrongly considered as a potentially discriminatory act. The idea is that if "race" does not matter, it should not even be mentioned in official records. In fact, ethnic origin matters, as it still exposes people to discrimination. Racism is a reality and ignoring it does not help to address it. Data is crucial in any area of policy making and antidiscrimination policies are no exception. Data is necessary first of all to detect disparities (it is difficult, for instance, to confirm the existence of discrimination based on ethnic origin in the judiciary if the ethnicity of the persons involved is unknown). Secondly, it is used to design effective countermeasures, to support their implementation and to assess their impact. The European Commission on Racism and Intolerance (ECRI) has advocated for the collection of ethnic data since 1998, with its General Policy Recommendation n.4 on national surveys on the experience and perception of discrimination and racism from the point of view of potential victims. This text stresses that "statistical data on racist and discriminatory acts and on the situation

of minority groups in all fields of life are vital for the identification of problems and the formulation of policies". Ethnic data should be collected anonymously, on the basis of self-identification and of informed consent (the person surveyed provides information voluntarily and is fully aware of the use that will be made of it).

31. The United Kingdom's Race Disparity Audit is an excellent example of ethnic data collection. The Audit was announced in 2016 by the Prime Minister "with a view to shining a light on how people of different ethnicities are treated across public services by publishing data held by the Government". The report on the audit was published in 2017 and revised in 2018. It presents an overview of the disparities that have the greatest impact across all aspects of people's lives and is intended to help understanding and assessment of differences between ethnic groups, and to identify the public services where disparities are diminishing and those where work is needed to reduce them. The Race Disparity Audit is an important step towards addressing inequality and a similar exercise should be conducted in other member States.

32. The European Commission's 2017 study on "Data collection in the field of ethnicity" indicates that "signs are emerging of gradual improvement in ethnic data collection, especially in relation to discrimination experiences and anonymous testing in the field of employment and housing". New approaches are emerging, with initiatives aiming to remedy the lack of ethnic data even though regulations on official data collection have not been amended.

33. In Germany, I learnt of an interesting initiative known as the "Afro-Census" which was launched by the civil society organisation "Each One Teach One" to improve the database on racial discrimination. It is the first survey that specifically addresses discrimination against Black people in Germany. All those who identify as Black were invited to participate on a voluntary basis. The aim of the "Afro-Census" is to obtain as comprehensive a picture as possible of what people of African descent experience, how they assess their lives in Germany, the challenges they face and the expectations they have from politics and society. The results of the first round of this "census" are planned to be published during Spring 2021.

34. While innovative initiatives such as the "Afro-Census" are a step in the right direction and deserve our support, it is important that new policies on data collection are adopted officially in the near future. I believe that the Assembly should reiterate a call on national authorities both to introduce ethnic data collection procedures and to consistently use such data to guide their policy-making.

### 5. The role of intergovernmental organisations

35. International intergovernmental organisations play a crucial role in countering discrimination against people of African descent. At global level, the United Nations (UN) system has led the way in addressing racism. The International Convention on the Elimination of All Forms of Racial Discrimination became effective in 1969 while the establishment in 1993 by the United Nations' Commission on Human Rights of the mandate of Special Rapporteur on contemporary forms of racism contributes to strengthening the UN's actions. The Special Rapporteur intervenes in assessing the efficiency of the measures taken by governments to remedy the situation of victims of racism, racial discrimination, xenophobia and related intolerance and addresses impunity for related acts, by transmitting appeals and communications to States on alleged violations, and by undertaking fact-finding country visits.

36. In December 2020 I met online with the current Special Rapporteur, Ms Tendayi Achiume. The meeting was cordial and fruitful, supported by what I felt was a largely shared vision of the threats that racism poses and the priorities to counter them. I share with Ms Achiume, among other things, the sense that the developments on both sides of the Atlantic with the tragic death of George Floyd and the wave of protests that followed, increased public awareness of Afrophobia and opened new possibilities to address it. I also related to her impression that an honest conversation about racism is often difficult in Europe, where many, including politicians, do not acknowledge or even see the extent and the urgency of the problem.

37. The Special Rapporteur's thematic reports cover issues ranging from the reparations for racial discrimination rooted in colonialism and slavery, to the threat that nationalist populism poses to the enjoyment of human rights and racial equality, as well as racial discrimination in the context of laws, policies and practices concerning citizenship, nationality and immigration. The latest thematic report focuses on racial discrimination and emerging digital technologies. I also appreciated that Ms Achiume, a national of Zambia and currently a Professor of Law and Faculty Director of the Promise Institute for Human Rights at University of California, Los Angeles, is very familiar with the work of Council of Europe bodies such as ECRI and of European civil society organisations, including ENAR.

38. I believe that co-operation between the Council of Europe and the United Nations in countering Afrophobia and other forms of racism in Europe should be further strengthened and I will do my utmost to promote this idea in the Assembly. I would like to add that while the main institutional interlocutors of the Special Rapporteur are national governments, national parliaments should also intensify their co-operation and the exchange of information and recommendations with this representative.

39. In Europe, which is the focus of this report, progress has been achieved among other things through European Union legislation and the long-term work of the Council of Europe. As the pan-European defender of human rights, democracy and the rule of law, the Council of Europe should further strengthen its action against racism, catalyse the efforts of all other actors and help extend the progress to the entire continent.

40. In 2019, at the end of a long process, to which ENAR was highly committed, the European Parliament adopted a ground-breaking resolution on "The fundamental rights of people of African descent",[4] calling on member States, among other things, 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, and social services; to include bias motivation for crimes based on race, national or ethnic origin as an aggravating factor; to end ethnic profiling, and to provide anti-racism and anti-bias training for law enforcement authorities. In addition, the 2019 resolution recommended ensuring safe and legal avenues for migrants, refugees and asylum seekers to enter the European Union; the adoption by the European institutions of a workforce diversity and inclusion strategy to complement existing efforts to this end; and support from European political parties and parliaments in enhancing the political participation of people of African descent.

41. In my previous capacity as Vice-Chair of ENAR and Chair of its Steering Committee on Afrophobia, I contributed to this process through a series of meetings with relevant interlocutors in European Union bodies including the European Commission, the European Parliament and the Fundamental Rights Agency and by taking part in hearings. ENAR consistently advocated for effective measures to be adopted by European governments. It is worth noting that this should apply to the entire continent and not only to the European Union. European States have a legal obligation, in addition to a moral one, to ensure the equality of all their citizens and to counter discrimination. It is the responsibility of the Council of Europe, as the guardian of democracy and human rights in Europe, to lead its member States and support their efforts to eradicate all forms of racism and discrimination.

42. A governmental actor which has for years contributed to raising awareness of racism among national governments on both sides of the Atlantic is the Commission on Security and Cooperation in Europe (CSCE), also known as the U.S. Helsinki Commission. An independent US government agency, it was created in 1975 to monitor and encourage compliance with the Helsinki Final Act and other Organization for Security and Co-operation in Europe (OSCE) commitments. The Helsinki Commission, invited to contribute to this report through a hearing, submitted a written contribution indicating that governments, multilateral institutions, civil society, think-tanks, foundations and the private sector should work in partnership to better implement the many existing recommendations.

43. Specific measures recommended by the Helsinki Commission include promoting the representation of people of African descent and their participation at all levels of government, and creating a People of African Descent Fund to provide technical support and knowledge sharing for civil society initiatives to address racism, discrimination and inequality, and to increase economic opportunities and empowerment. The adoption of an "Action Plan on Racial and Ethnic Equality and Inclusion" jointly by the Council of Europe and the OSCE is also recommended by the CSCE.

44. Concrete initiatives may include recognising past injustices and the contribution of people of African descent, for instance by means of "European Black History Month" and a "Remembrance Day for Victims of Colonialism and Enslavement", or national measures to counter negative stereotyping, the revision of textbooks; promoting research and data collection on both discrimination and social inclusion; adopting national strategies in this area; and supporting transatlantic exchanges to address racial prejudice and discrimination.

45. The recommendations of the Helsinki Commission are as ambitious as they are relevant. The call on all relevant actors to join forces to achieve substantial progress is an important indication of the need for unity, co-operation and co-ordination, which should be taken into account when designing antidiscrimination policies. The idea that the Council of Europe and OSCE should strengthen their co-operation in this area also deserves attention.

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4. Resolution on fundamental rights of people of African descent in Europe (2018/2899(RSP)), Legislative Observatory of the European Parliament, 2018.

## 6. A window of opportunity

46. The webinar of 1 July 2020 on systemic discrimination and institutional racism, as previously mentioned, highlighted the increasing awareness of racism and discrimination in Europe among the general public. The participation of the Assembly President, Rik Daems, in the webinar and his words of support were a positive sign of the strengthening commitment of the Assembly to the cause of antidiscrimination and a society free from racism. Mr Daems highlighted that Europe is finally starting to question its own history, as shown by the recent apology by Belgium's King Philippe for his country's colonial past. Indeed, this is a sign of a cultural change that could bear fruit. Awareness of historical responsibilities towards African people may indeed help to eradicate present-day racism targeting their descendants in Europe and elsewhere.

47. Ms Domenica Ghidei Biidu, Vice-Chair of ECRI, pointed out that when viewed as a collective issue, rather than as a matter for individuals, it appears clear that racism in Europe is an institutional matter: "Legal cases are about individuals, but racism is about far more than individual experiences; yet this wider institutional and systemic context is always difficult to prove. There is a need for recognition of the oppressive and racist aspects of our history, and of their impact on institutional, systemic and everyday life in Europe. Each country should have institutions in place to gradually dismantle racism, which collaborate with vulnerable minorities and respect the principle of 'nothing about us without us'".

48. Ms Ojeaku Nwabuzo, Senior Research Officer of ENAR, recalled that several European institutions had reported on the continued problem with policing, which is a crucial, life-threatening problem for people of African descent and must be addressed. The Covid-19 pandemic has highlighted some worrying pre-existing issues, such as the increase in racial profiling, and the disproportionate targeting of minorities during stop-and-search operations. The pandemic has often given the police the opportunity to enforce powers in a restrictive, coercive, discriminatory, disproportionate and unlawful way, and which is racially biased. Some member States, such the United Kingdom, have recognised institutional racism, but many still fail to do so. This concept is wider than racial profiling and includes other severe manifestations of discrimination which can lead to violence and possibly death. The idea that "a few bad apples" are to be found in the police has often been suggested but it does not reflect the actual situation. In fact, it is necessary to understand the real nature of structural racism. ENAR recommends ensuring accountability (with sanctions against police officers who show racist attitudes) improving police techniques and data collection, as well as a longer-term review of policing, in dialogue with those communities directly affected. On a more general level, national action plans against racism are highly recommended.

49. The situation on both sides of the Atlantic is problematic. There has been an increase in both the gravity and number of racist incidents in recent years, as shown by European Union data, including racist violence, ethnic profiling and social exclusion, with people of African descent systematically treated as "the lowest on the hierarchy". Dramatic change is needed. Laws should be enacted to stop these injustices, with the necessary follow-up to make sure they are fully implemented.

50. On the other hand, the European public has become increasingly aware of the extent and severity of the problem of racism in Europe, and of the urgency to counter it. George Floyd's tragic death has had a powerful impact beyond the United States and particularly in Europe. Pretending that the situation is limited to the United States would be perpetuating a denial that we have seen for many years in this continent. Those who deny the existence of racism in Europe minimise the pain and the historical injustices that people of African descent have endured for centuries. The discrimination suffered by people of African descent and other minorities in Europe has been neglected for too long.

51. As the public's awareness increases, so does support from political leaders at national and European level, as confirmed by the text "The anti-racism protests following the death of George Floyd (2020/2685(RSP))"[5] adopted by the European Parliament. The European Parliament "strongly condemns the appalling death of George Floyd" and similar killings elsewhere in the world, supports the massive protests around the world against racism and discrimination and "condemns white supremacism in all its forms". The powerful, straightforward language used in this text is a step in the right direction and a source of encouragement to all those who are committed to countering racism in Europe. In July 2020, ECRI adopted a statement on racist police abuse, including racial profiling, and systemic racism, to which the Council of Europe's Committee of Ministers replied on 16 September 2020 with a decision encouraging member States' governments to deliver a clear message of zero tolerance of racism and intolerance.

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5. Resolution on the anti-racism protests following the death of George Floyd (2020/2685(RSP)), Legislative Observatory of the European Parliament, 2020.

52. The strong support to antiracism coming from several political actors opens a window of opportunity that should be seized without hesitation. As a guardian of democracy, the rule of law and human rights, the Council of Europe has an important role to play in this process. It also has an obligation to ensure that member States recognise the existence of institutional and structural racism. Remaining silent in the face of bigotry creates division rather than unity and undermines the values that are at the core of the mission of this organisation.

53. On 20 August 2020, online news outlet *EU Observer* featured an op-ed I wrote, under the title "George Floyds of Europe also can't breathe".[6] I deemed it necessary to raise awareness of the current situation and to call on all decision makers to act quickly, firmly and collectively, not to lose ground in the fight against racism and intolerance.

## 7. Countering racism and promoting political representation of people of African descent: towards a new Charter of European political parties for a non-racist society

54. Last year, the Assembly Resolution 2275 (2019) "The role and responsibilities of political leaders in combating hate speech and intolerance" indicated that "the 25th anniversary of the European Commission against Racism and Intolerance, which falls in 2019, provides a good opportunity to update the Charter of European Political Parties for a Non-Racist Society, including measures for breaches of the charter, and to relaunch it." The original Charter [7] was drawn up under the auspices of the European Union Consultative Commission on Racism and Xenophobia, the predecessor of the Fundamental Rights Agency, and opened for signature in Utrecht on 28 February 1998. It was endorsed by the Assembly and ECRI and subsequently signed by political parties in several Council of Europe member States.

55. Political parties may play a significant role in countering racism in politics. As an expression of self-regulation, the Charter may be a particularly effective way to hold politicians to account and enhance the political representation of people of African descent. More than 20 years after this document was drawn up, however, it is time to reflect on how to adapt it to today's social and political landscape. Amendments may also be necessary to ensure that political parties and their members abide by its provisions, through a monitoring system and sanctions for non-compliance.

56. People of African descent are vastly under-represented in elected and other decision-making bodies at all levels in most member States. In some countries they are hardly represented at all, which is reflected in the current composition of the Assembly. Not only is this situation unacceptable from the point of view of democratic representation, it may also facilitate the racist abuse aimed at the few politicians of African descent who are active within the institutions. These members of parliament or of government bear the burden of representing their entire communities and fatally become the ideal target of far-right extremists and other racists.

57. At the time of finalising this report, I myself am facing a wave of online abuse, particularly from members and supporters of a national far-right political party, after I reacted to their claim that people with a migrant background are a "cultural liability", a kind of burden, to Sweden, and I shared on social media a picture of myself wearing a traditional costume of my native country, Gambia, at an official event in the Swedish Parliament. The language used by those who attack me is hateful, xenophobic, and explicitly racist. This episode confirms that racism targets people of African descent irrespective of their position in society. Even though I am now a Member of Parliament (or perhaps precisely because of that), I am still exposed to the abuse that I first faced as a student and a young activist. This also shows how insidious far-right political movements are, as by attacking me, they show a lack of respect for the elected body of which I am a member, and for democratic institutions in general.

58. On the occasion of the online visit to the United Kingdom, I had the honour and the pleasure of meeting with prominent politicians such as: Ms Diane Abbott MP, the longest serving black woman in the Parliament of the United Kingdom and former Shadow Home Secretary; Mr David Lammy MP, Shadow Secretary of State for Justice; Mr Marvin Rees, Mayor of Bristol; and Lord Simon Woolley. Political representation of ethnic minorities, including people of African descent, is considerably high in the United Kingdom. When the Operation Black Vote (OBV) initiative was launched by Lord Woolley in 1996, there were five Black and Minority Members of Parliament. Twenty years later, OBV held an event to celebrate reaching the record number of 41, or 6,3% of all MPs. These figures guarantee a good level of diversity in British institutions and the possibility for the voice of people of African descent and other minorities to be heard. Sadly, the issue of

6. Jallow, M. M., "George Floyds of Europe also can't breathe", *EU Observer*, 20 August 2020.
7. Charter of European political parties for a non-racist society, 28 February 1998.

racist abuse targeting politicians can also be found there. Diane Abbott, for instance, was the victim of record levels of online sexism and racism during the 2017 election campaign. According to research conducted by Amnesty International, almost half of the abuse directed at women MPs on Twitter targeted her. In Ms Abbott's case, as in many others, the intersection of gender and ethnicity, or of other grounds of discrimination, determines a particularly harsh form of bias. Intersectionality contributes to shaping the discrimination that people of African descent face and should be constantly taken into account when designing countermeasures.

59. I discussed political representation of minorities in Germany with fellow Assembly member Ms Gabriela Heinrich and civil society representatives. Only two German parliamentarians out of over 700 are of African descent and only one of them identifies as black. Countering racism is not high in the agenda of political parties, activists told me, and the aspect of political representation is particularly neglected. This should be addressed effectively, as the representation of any group tends to increase the inclusiveness of decisions and regulations adopted by decision-making bodies. Mr Karamba Diaby, Germany's first African-born member of parliament in 2013, is often a victim of online abuse and his office in Halle was attacked in January 2020. Verbal abuse and other forms of violence targeting politicians of African descent deter other members of this group from engaging in politics, forming a vicious circle which in turn needs to be broken.

60. In addition to provisions concerning the language used and the views expressed by party members, the Charter should include a section on political representation. As the main gatekeepers to elected positions, political parties have a major role to play in this respect. The Charter should stipulate that signatory parties commit themselves to increase the presence of people of African descent and other ethnic groups within their ranks, at all levels. On 27 November 2020, to kick-start the updating and relaunching process, the Committee on Equality and Non-Discrimination held jointly with the Committee on Political Affairs and Democracy and the No Hate Parliamentary Alliance a hearing with the participation of the Chairperson of ECRI, Ms Maria Daniella Marouda; MEP Samira Rafaela, Co-President of the Anti-Racism and Discrimination intergroup (ARDI) of the European Parliament; and Mr Nicolae Esanu, member of the Commission for Democracy Through Law (Venice Commission). What emerged from the hearing was a consensus on the relevance and timeliness of this initiative. An updated Charter would contribute to addressing the racism and intolerance that are widespread in Europe, including in politics.

61. Participants agreed that the scope of the Charter should be expanded to cover forms of racism and intolerance including Afrophobia, antisemitism, Islamophobia, homo-bi-transphobia, sexism and xenophobia. The Charter should also deal with cyber-discrimination and online hate speech. As concerns sanctions for non-compliance, participants agreed that these are necessary to ensure a real impact.

62. Strong political will to support the initiative and the forthcoming updated Charter emerged from the words of politicians including MEP Rafaela and Mr Nick, first Vice-Chairperson of the Committee on Political Affairs and Democracy. The Committee on Equality and Non-Discrimination should take the lead in this process, while cooperating closely with its counterparts in the European Parliament and availing itself of the support of ECRI and the Venice Commission. The No Hate Parliamentary Alliance should also remain involved in the initiative and ensure additional visibility and political support to it.

## 8. National antidiscrimination action plans and legislation

63. As previously mentioned, the Durban programme of action of 2001 required United Nations member States to adopt national action plans to address racial discrimination. I would like to mention here the example of the action plan of Germany, about which I learnt more thanks to the virtual fact-finding visit there. The plan was last revised in 2017 and entitled "National Action Plan: Positions and Measures to Address Ideologies of Inequality and Related Discrimination". Fighting racism in any form is viewed as a task for the entire State and society. The action plan is therefore intended to strengthen social cohesion and is closely linked to the "Strategy of the Federal Government for the Prevention of Extremism and the Promotion of Democracy". Close co-operation with civil society was central both in the conception of the Action Plan and in its implementation.

64. Racism against Black people is addressed as a specific form of discrimination in the National Action Plan which, in view of Germany's and Europe's colonial history, attaches particular importance to historical-political education. In recent years, numerous civil society initiatives such as exhibitions and educational materials have been created to raise awareness of this issue. In addition, research has been carried out on specific forms of discrimination and their causes.

65. I would also like to mention that in the wake of the Black Lives Matter protests, the Federal State (Land) of Berlin adopted in June last year its own anti-discrimination law, prohibiting discrimination based on skin colour, gender, religion, physical or mental disability, worldview, age and sexual identity, and also of lack of German language skills, chronic illness, income, education or occupation. The crucial difference between the Berlin State law and the federal General Equal Treatment Act of 2006 is that the latter covers discrimination in employment and in other areas governed by private law but does not apply to public law. The new piece of legislation appears to strengthen protection from discrimination and to be a step in the right direction. I hope that other German federal States will follow the example of Berlin.

## 9. Conclusions and recommendations

66. Afrophobia, or discrimination and intolerance against people of African descent and black people, correlates to the historically repressive structures of colonialism and the transatlantic slave trade and is still rife in today's Europe. It targets not only ordinary people but also representatives at the highest institutional and political level. This form of racism has an influence, consciously and unconsciously, on a variety of policies at domestic and international level. Racism still kills, whether through violence at the hand of extremists in Europe or through migration policies allowing European countries to profile, detain and deport black people back to danger, as shown by the ongoing enslavement and torture of black people in Libya.

67. A variety of measures are necessary to counter Afrophobia. They should aim to improve the economic situation of people of African descent (employment and more generally economic empowerment), their level of political representation, their access to justice, and counter discrimination in access to education, social services, housing etc. Targeting the mindsets of the general population and people of African descent themselves are also necessary. Measures should counter negative stereotyping and promote accurate representation in the media, positive portraying and role models.

68. All these measures demand a great deal of political will and the support of all relevant stakeholders. While civil society, as I previously mentioned, has led the way in countering Afrophobia in Europe, legislators and policy makers have a particularly important role to play.

69. Progress has been achieved at national level through action plans, antidiscrimination legislation and the action of human rights institutions. The European Union has strengthened its action in this area by adopting an EU anti-racism action plan 2020-2025 that is likely to trigger additional efforts in member States. Non-EU member States within the Council of Europe would benefit from adopting similar provisions.

70. Much remains to be done and urgently so. In this report, I have endeavoured to describe the state of play in Europe and to collect input from a variety of actors on possible effective measures to address Afrophobia. I now rely on the Assembly and the Council of Europe to promote the adoption of such measures and make a real difference in the years to come.

71. It is the responsibility of citizens and all other actors, from civil society organisations to political parties, from the world of education to religious organisations, trade unions, employers' organisations, the arts and the media, to combat Afrophobia. This requires a proactive effort. Not being racist is not enough. For real progress to be achieved, we all need to take a stand against racism, whenever and in whatever form it manifests itself.