

“Trade Unions against Discrimination”
ETUC project

2nd Learning Seminar on Racism

Background document

1. International policy framework

Through the **International Convention on the Elimination of All Forms of Racial Discrimination**¹ the international community² recognises racism as “an obstacle to friendly and peaceful relations among nations and [is] capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State”. The 1965 Convention ought to be seen in the context of the wider anticolonial movement after WWII and Apartheid in South Africa. Article 2 states the parties have an obligation to “undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms”. Article 3 condemns the crime of Apartheid and racial segregation. Article 4 condemns racist propaganda and the incitement of ethnic or racial hatred, and demands that states take measures to combat hate speech and crimes.

In 2001, the United Nations conference against racism in Durban³ adopted a **Declaration and Programme of Action (DDPA)**. 35 years after the signing of the UN Convention, the DDPA examines the complexity of racial discrimination and racism, stating “that victims can suffer multiple or aggravated forms of discrimination based on other related grounds such as sex, language, religion, political or other opinion, social origin, property, birth or other status”. The acknowledgement of widespread racism in different areas of society and at diverse institutional levels is reflected then in “the importance of involving not only States, but a wide variety of actors including civil society, NGOs and youth, in the implementation of the Durban commitments”.

Regarding the definition of the “victims of racism, racial discrimination, xenophobia and related intolerance”, the DDPA also includes migrants and refugees, recognising in this way the specific nature of contemporary racism in the light of the processes of globalisation and their consequences: “xenophobia against non-nationals, particularly migrants, refugees and asylum-seekers, constitutes one of the main sources of contemporary racism”. In addition to people of African descent and the descendants of the victims of the transatlantic slave trade, racism has a direct impact on the lives of many other communities and groups, including: indigenous peoples, Roma, Sinti and Travelers, people belonging to national or ethnic, religious and linguistic minorities, migrants, refugees, asylum-seekers and the internally displaced, people living in extreme poverty, women and LGBTQI+ people.

The Durban conference was followed by periodic reviews, the most recent in 2021, 20 years after the Declaration and Programme of Action.

Freedom from discrimination in the world of employment, including discrimination on the grounds of colour and race, is a fundamental principle and right at work. The **ILO Declaration on Fundamental Principles and Rights at Work**⁴ (1998, amended in 2022) is an expression of commitment by governments, and employers’ and workers’ organisations to uphold basic human values in the workplace.

¹ UN General Assembly Resolution 2106 (XX), 21 December 1965.

² 182 countries have ratified the Convention, including all the EU Member States.

³ World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, 31 August-7 September 2001, Durban (South Africa).

⁴ <https://www.ilo.org/declaration/lang--en/index.htm>

The 1998 Declaration reaffirms the ILO's undertaking to fight discrimination, starting from ILO Conventions 100⁵ and 111⁶. Following the first ILO-ITUC seminar in December 2007 in Geneva, the International Trade Union Confederation⁷ launched the Action Programme⁸ on "Trade Union Strategies for combating racial discrimination and xenophobia". The aim of this programme is to eliminate racism and xenophobia and promote respect for diversity, particularly in the labour market, the workplace and trade unions.

2. Legislation at European level

Combating racial discrimination is an integral part of the protection and promotion of fundamental human rights. The EU has a comprehensive legal framework for combating discrimination on the grounds of racial or ethnic origin; it prohibits various forms of discrimination, such as direct and indirect discrimination, multiple discrimination, harassment, and encouraging discrimination. Despite this, EU survey data, regularly collected by the **Fundamental Rights Agency (FRA)**, continue to illustrate the extent and nature of structural inequality, racial discrimination, and racist harassment and crime across the EU⁹.

The **European Parliament (EP)** has firmly opposed racial discrimination for many years. In 1984, it set up a committee of inquiry into the rise of fascism and racism in Europe. Recent EP resolutions include the resolution of 26 March 2019 on the fundamental rights of people of African descent in Europe; the resolution of 19 June 2020 on anti-racism protests; the resolution of 8 March 2022 on the role of culture, education, media and sport in the fight against racism. In the resolution of 10 November 2022 on racial justice, non-discrimination and anti-racism in the EU, the Parliament called for an end to structural racism and discrimination, racial profiling, police brutality, and came out in favour of the right to peaceful protest, a zero-tolerance approach to racism and an intersectional approach¹⁰.

The work of the **European Commission (EC)** to combat racism, xenophobia and discrimination is built on a solid **legal framework**¹¹ based on a number of general provisions in the Treaties¹² with the general principles of non-discrimination and equality, which are also reaffirmed in the **EU Charter of Fundamental Rights**¹³.

⁵ ILO, Convention No. 100, *Equal Remuneration Convention*, 1951,

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_Ilo_Code:C100

⁶ ILO, Convention No. 111, *Convention concerning Discrimination in Respect of Employment and Occupation*, 1958,

<https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.ilo.org/wcmsp5/groups/public/--dgreports/--->

[gender/documents/genericdocument/wcms_114189.pdf&ved=2ahUKewjznurEzoeFAxU6xgIHHcb9DZYQFnoECBMQAQ&usg=AOvVaw349Ce9-d5BnuxWWr2GMI2H](https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.ilo.org/wcmsp5/groups/public/--dgreports/---gender/documents/genericdocument/wcms_114189.pdf&ved=2ahUKewjznurEzoeFAxU6xgIHHcb9DZYQFnoECBMQAQ&usg=AOvVaw349Ce9-d5BnuxWWr2GMI2H)

⁷ ITUC, *Final Statement. Towards a trade union strategy for combating racial discrimination and xenophobia*,

<https://www.ituc-csi.org/towards-a-trade-union-strategy-for?lang=en>

⁸ [https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.ituc-](https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.ituc-csi.org/IMG/pdf/Racial_Discrimination_ANG_web.pdf&ved=2ahUKewiSrc_L0leFAxXmhf0HHf3tAQQFnoECA8QAQ&u)

[csi.org/IMG/pdf/Racial_Discrimination_ANG_web.pdf&ved=2ahUKewiSrc_L0leFAxXmhf0HHf3tAQQFnoECA8QAQ&u](https://www.ituc-csi.org/IMG/pdf/Racial_Discrimination_ANG_web.pdf&ved=2ahUKewiSrc_L0leFAxXmhf0HHf3tAQQFnoECA8QAQ&u)

[sg=AOvVaw3W9XLgCb8RmRY7ivfHjNR!](https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.ituc-csi.org/IMG/pdf/Racial_Discrimination_ANG_web.pdf&ved=2ahUKewiSrc_L0leFAxXmhf0HHf3tAQQFnoECA8QAQ&u)

⁹ FRA, *Being Black in the EU – Experiences of people of African descent*, 2023,

<https://fra.europa.eu/en/publication/2023/being-black-eu>

¹⁰ *European Parliament resolution of 10 November 2022 on racial justice, non-discrimination and anti-racism in the EU (2022/2005(INI))* https://www.europarl.europa.eu/doceo/document/TA-9-2022-0389_EN.html

¹¹ [https://commission.europa.eu/document/download/da20ab5c-9ff5-445a-be4e-](https://commission.europa.eu/document/download/da20ab5c-9ff5-445a-be4e-a8704230db9e_en?filename=swd_countersing_racism_and_xenophobia_in_the_eu.pdf)

[a8704230db9e_en?filename=swd_countersing_racism_and_xenophobia_in_the_eu.pdf](https://commission.europa.eu/document/download/da20ab5c-9ff5-445a-be4e-a8704230db9e_en?filename=swd_countersing_racism_and_xenophobia_in_the_eu.pdf)

¹² In particular, Articles 19 and 67 of Treaty on the Functioning of the European Union (TFEU) that is one of two treaties forming the constitutional basis of the European Union (EU), the other being the Treaty on European Union (TEU)

¹³ In particular, Articles 20 and 21 of the Charter which, respectively, reaffirm the principle of equality before the law and the prohibition of discrimination on any grounds including race, colour, ethnic origin, religion or belief, and belonging to a national minority.

One of the key instruments in this legal framework is the **Racial Equality Directive**¹⁴ which implements the principle of equal treatment irrespective of racial or ethnic origin in the areas of social protection, social advantages, education, and access to and supply of goods and services.

The EU also has a **Framework Decision on combating racism and xenophobia**¹⁵ by means of criminal law, which establishes the framework for a common response to racist hate speech and crime. It obliges the Member States to penalise the public incitement of violence or hatred against persons defined by reference to race, colour, religion, descent or national or ethnic origin, also when committed online.

Furthermore, in recent years, the **EU Commission**¹⁶ has launched **specific actions regarding**:

- agreements with businesses and IT companies to combat racism and xenophobia, with the aim of 1) countering illegal hate speech online; 2) promoting diversity in the workplace
- support for key actors to combat racism and xenophobia, through 1) the collection of specific data to be used in the definition of policies promoting equality and non-discrimination; 2) dedicated EU funding for projects aimed at preventing and fighting racism, racial intolerance and discrimination.

The Commission has also taken concrete action to address the racism, xenophobia and discrimination faced by specific groups and communities, in particular:

- *Promoting Roma inclusion.* In October 2020, the Commission issued a strengthened and updated EU Roma strategic framework¹⁷, with a comprehensive three-pillar approach. On 12 March 2021, the Council of the European Union adopted a recommendation¹⁸ on Roma equality, inclusion and participation in all Member States;
- *Tackling intolerance and discrimination against Muslims.* Reports from international¹⁹ and civil society organisations and recent surveys²⁰ highlight persistent intolerance and racism against Muslims in the EU, as well as structural forms of discrimination (e.g. in access to employment or education) against individuals, women in particular, from a Muslim background;

¹⁴ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (Racial Equality Directive). Besides the Racial Equality Directive, the Equality Directives include the Employment Equality Directive (Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation), the Gender Equal Access to Goods and Services Directive (Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and woman in the access to and supply of goods and services), the Gender Equality Directive (Directive 2006/54/EC of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation – Recast) and the Gender Equality in Self-Employment Directive (Directive 2010/41/EU of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC).

¹⁵ 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, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008F0913>

¹⁶ European Commission, COMMISSION STAFF WORKING DOCUMENT, *Countering racism and xenophobia in the EU. Fostering a society where pluralism, tolerance and non-discrimination prevail*, 15 March 2019, https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://commission.europa.eu/system/files/2019-03/swd_countering_racism_and_xenophobia_in_the_eu.pdf&ved=2ahUKewiYqvPa-YeFAxUAWQIHxYc5YQFnoECBAQAQ&usg=AOvVaw3FzxpMAb8-M-R2Oq7T1UJ

¹⁷ European commission - Directorate-General for Justice and Consumers, *The new EU Roma strategic framework for equality, inclusion and participation*, https://commission.europa.eu/publications/new-eu-roma-strategic-framework-equality-inclusion-and-participation-full-package_en

¹⁸ Council Recommendation of 12 March 2021 on Roma equality, inclusion and participation 2021/C 93/01, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021H0319%2801%29>

¹⁹ OSCE, *Understanding Anti-Muslim Hate Crimes Addressing the Security Needs of Muslim Communities*, <https://www.osce.org/it/node/495232>

²⁰ European Union Agency for Fundamental Rights – FRA, *Database 2012-2022 on Anti-Muslim Hatred*, <https://fra.europa.eu/en/databases/anti-muslim-hatred/research-findings?page=4>

- *Combating Antisemitism including remembrance, education, and legislation.* The first EU strategy 2021-2030²¹ was adopted by the European Commission on 5 October 2021. Antisemitism represents a threat not only to Jewish communities and the Jewish way of life, but to an open and diverse society, to democracy and the European way of life.
- *Addressing Afrophobia and anti-Black racism*²².
- A transversal action against racism and discrimination means fighting *hate speech and crime*. All forms of hatred and intolerance are incompatible with the fundamental rights and values (respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights).

On 19 September 2020, the European Commission released the **EU anti-racism action plan 2020-2025**²³ partly as a way to tackle the underlying problems of structural racism *intersectionally* through legislative measures. It is financed under the Next Generation EU recovery plan, and will be carried out from 2020 to 2025. The goal is to encourage EU countries to develop National Action Plans against Racism (NAPARs), with the close involvement of civil society and equality bodies²⁴.

To support Member States, the European Commission set up the Subgroup on the National Implementation of the EU Anti-Racism Action Plan, with national representatives and experts. In March 2022, the Subgroup drafted **common guiding principles**²⁵ for producing effective national action plans against racism and racial discrimination. **The supporting tools**²⁶ are:

- *The short checklist* translates the common guiding principles into a practical tick-box tool to support national authorities in the preparation, development, implementation, monitoring and evaluation of NAPARs.
- *The reporting tool* complements the checklist and aims to serve and inform a wider, Commission-led process of assessing the implementation of the NAPARs. It provides a framework for gathering information on how the common guiding principles are used in developing, implementing, monitoring and evaluating the NAPARs. This first data collected informed the report on the implementation of the NAPARs in 2023. Mainstreaming intersectionality: to address (among other issues) multiple and intersectional forms of discrimination, *the reporting tool* seeks to ensure the systematic incorporation of a gender perspective in the NAPARs, as well as age, disability, religion and sexual orientation.

²¹ *EU Strategy on combating antisemitism and fostering Jewish life (2021 - 2030)*

https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/combating-antisemitism/eu-strategy-combating-antisemitism-and-fostering-jewish-life-2021-2030_en

²² European Union Agency for Fundamental Rights – FRA, *Being Black in the EU – Experiences of people of African descent*, 2023, <https://fra.europa.eu/en/publication/2023/being-black-eu>

²³ https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-anti-racism-action-plan-2020-2025_en

²⁴ A systemic and intersectional approach is reported in Germany, Finland, Ireland, Spain and Sweden, *ENAR Anti-Racism Map: Mapping National Anti-Racism Plans Across the EU*, <https://www.enar-eu.org/napar>

²⁵ Subgroup on the National Implementation of the EU Anti-Racism Action Plan 2020-2025, *Common guiding principles for national action plans against racism and racial discrimination*, https://commission.europa.eu/document/download/d23174d0-9a1f-46da-992d-a47ccd56391a_en?filename=common_guiding_principles_for_national_action_plans_against_racism_and_racial_discrimination.pdf

²⁶ Subgroup on the National Implementation of the EU Anti-Racism Action Plan 2020-2025, *Supporting the Development, Implementation and Monitoring of National Action Plans Against Racism CHECKLIST AND REPORTING TOOL*, https://commission.europa.eu/document/download/b42f71e7-07aa-4456-a6f3-7a558bb78845_en?filename=NAPAR%20Monitoring%20Checklist%20and%20Reporting%20Tool_PUBLICATION.pdf

As racism can be combined with discrimination and hatred on other grounds, including religion or belief, gender, sexual orientation, age, disability or against migrants, the Action Plan adopts an **intersectional perspective** to provide a deeper understanding of structural racism and effective responses to it.

The Anti-racism Action Plan provides for greater participation of civil society organisations working with racialised groups. The Commission has also set up an **Anti-Racism Civil Society Forum** to participate in the consultation processes and support the Commission in the implementation of the action plan²⁷.

3. Trade union guidelines and programmes of action

Trade unions are profoundly aware of the importance of opposing racism in the workplace and society in Europe. Racism, discrimination and the “instrumentalisation” of migrants and asylum-seekers by the far right are all interconnected. The **ETUC Action Programme 2023-2027**²⁸ affirms the need to act against racism in the workplace and society and to offer a “practical support to, and advocate for, those – including migrants and asylum-seekers – who suffer the impact of war, aggression, human rights abuses, and climate change, and lobby for a fair, rights-based migration and asylum system”. Trade union activity against racism requires action at every level, and has to be considered “a priority horizontally embedded in all trade union activities”.

Obviously, TU action includes **collective bargaining and social dialogue**. This can reinforce inclusiveness and fair regulations: “collective bargaining and collective agreements need to be used to actively foster diversity, tolerance and inclusion at all levels and oppose all possible grounds of discrimination and work-related violence”. At the same time, collective bargaining itself can be an instrument for opposing racism directly: “The ETUC will also continue its work to identify collective agreements and negotiated clauses to combat racism, discrimination, and the influence of the far-right at the level of the workplace”.

The values and programmes of the trade unions are incompatible with those of the **far right** in Europe. The ETUC Action Programme 2023-2027 states unequivocally that “Trade unions and the far-right are opposites. This is not only because of the trade unions’ history and proud tradition of countering the far-right in the past, but because of what trade unions stand for today. Trade unions believe in solidarity, gender equality, improving lives, social justice and opportunity for all working people. They stand for unity over division, regardless of ethnicity, origin, nationality, gender, sexual orientation, and/or religion. They stand against racism, xenophobia, and all forms of discrimination”.

Combatting discriminatory practices, racism and xenophobia demands action on many fronts, at every level of TU activity. Above all, studying and mapping the influence of the far right in workplaces to try to understand the reasons for the growing support among workers for far-right parties. Union strategies to oppose the far right are also concentrated on developing counternarratives, through the training of union representatives, the use of social media, the promotion of the **Action Europe platform**²⁹ to promote petitions and communicate directly with TU members and supporters, providing them with counter-arguments to racism, xenophobia, discrimination and other far-right ideas. Earlier the **ETUC Action Programme 2019-2023**³⁰ stressed the need to promote a network of social and institutional players who “will involve trade unions, political parties, employers, civil society and community organisations and engage with governments and institutions on countering online and social media hate crime”.

²⁷ https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/consultation-process_en

²⁸ *ETUC Action Programme 2023-2027, Together for a Fair deal for Workers*, adopted by the ETUC 15th Statutory Congress (Berlin, 23-26 May 2023), <https://www.etuc.org/en/document/etuc-action-programme-2023-2027>

²⁹ <https://action-europe.org/get-involved>

³⁰ *ETUC Action Programme 2019-2023, A fairer Europe for workers!* adopted by ETUC 14th Statutory Congress (Vienna, 21-24 May 2019), <https://www.etuc.org/en/publication/etuc-action-programme-2019-2023>

The plans and programmes of the EU have an important role in combatting racism and discrimination; the participation of the trade unions is essential here: “Trade Unions must have a meaningful role in the implementation of the EU anti-racism Action Plan with regards to EU strategy to combat antisemitism and EU Roma strategic framework on equality, inclusion and participation”.

Among the objectives of the TU action – in particular in ETUC Action Programme 2019-2023 – the importance of the **involvement of Civil Society Organisations (CSOs)** is emphasised in opposing racism and xenophobia, also by trying “to change the narrative on migration and to promote a more effective common European immigration policy that ensures equal treatment and social integration, by shifting the attention away from secure borders”³¹.

The ETUC has taken a position in the debate leading up to the forthcoming **European elections** (6-9 June 2024) which aims to oppose the growth of the influence of the far right in electoral terms, but also asking for the support of liberal, democratic and progressive forces for programmes that support workers’ rights and a “rights-based approach to migration and asylum”. The Manifesto³² adopted by the ETUC Executive Committee in September 2023³³ defined the priorities and fundamental values to ask the parties and candidates in the European elections to adhere to.

4. Let’s start thinking about... racism and intersectionality

The intersectional approach can increasingly be seen in the reflections and action programmes of the principal institutions, trade unions and civil society organisations. Intersectionality allows an analysis of the collective and structural dimensions of racism, and not only of its effects on individuals.

- ENAR, *Structural racism in the labour market*, 2022³⁴: “Current legislation is focused on an individual, incident-based understanding of racism and discrimination, which makes it difficult to address more systemic forms of discrimination. The European Action Plan Against Racism published in September 2020 recognises the need for intersectionality to be put at the forefront of the analysis of discrimination to deepen the understanding of structural racism and make the response more effective. Additionally, the European Commission seeks to ‘ensure that the fight against discrimination on specific grounds and their intersection with other grounds of discrimination, such as sex, disability, age, religion or sexual orientation is integrated into all EU policies, legislation and funding programmes’.”

The labour market, the education system and, in general, socio-economic conditions are included among these structural dimensions of discrimination. Gender, sexual orientation and religious belief are key factors in the framework of discrimination based on racism.

- ENAR, *Forgotten Women: The impact of Islamophobia on Muslim women*, 2016³⁵: “In employment, Muslim women are being discriminated at different stages, often being victims of indirect discrimination that is difficult to prove. Due to the lack of knowledge or trust in the system, Muslim women rarely complain or initiate legal proceedings. When they do so, it is on the basis of religious discrimination [...] Islamophobic violence and speech are gendered. Not only in quantity (Muslim women are generally more often attacked), but also in the quality of incidents. Perpetrators (usually men) attack Muslim women not only because they belong to an ethnic, racial or religious minority, or because they are women, but because of their combined intersectional identities.

³¹ ETUC Action Programme 2019-2023, *A fairer Europe for workers!* adopted by ETUC 14th Statutory Congress (Vienna, 21-24 May 2019), <https://www.etuc.org/en/publication/etuc-action-programme-2019-2023>

³² <https://www.etuc.org/en/ManifestoEUElections24>

³³ *Delivering a fair deal for workers: manifesto for the 2024 European Parliament elections*, Adopted at the ETUC Executive Committee Meeting of 27-28 September 2023 in Madrid.

³⁴ <https://www.enar-eu.org/structural-racism-in-the-labour-market/>

³⁵ https://www.enar-eu.org/wp-content/uploads/forgottenwomenpublication_l_r_final_with_latest_corrections.pdf

Perpetrators trying to remove Muslim women’s headscarf and/or using racist and sexist gestures and/or insults, show that the image of these women is reduced to what they wear, to their body and to the feeling of entitlement perpetrators have to exert power over them.”

- ILGA Europe, *Intersections. Diving into the FRA LGBTI II Survey: Migrant and racial, ethnic and religious minorities, 2023*³⁶: “When looking at the data on experiences of violence and harassment of LGBTI minorities, it is important to bear in mind interconnectedness of social and economic exclusion and vulnerability to harassment and violence. For example, LGBTI individuals who are excluded from employment or education opportunities due to discrimination may experience economic hardship, which can in turn make them more vulnerable to violence and harassment. Similarly, social exclusion can lead to a lack of social support networks, which can further increase an individual’s vulnerability. The analysis above clearly demonstrates the disproportionate experience of discrimination in all areas of social life experienced by racialised people, which deepens and intensifies for racialised members of LGBTI communities. This reality worsens for people who also have disabilities, are trans, intersex or non-binary, or are religious minorities.”

Among the factors that might encourage racism and discrimination is the impact of international conflicts in EU societies, in the wake of an influx of asylum-seekers and refugees.

- United Nations Network on Racial Discrimination and Protection of Minorities, *Guidance note on Intersectionality, Racial Discrimination & Protection of Minorities, 2022*³⁷: “The intersectionality approach pays specific attention to the context in which intersectional forms of discrimination occur, including situations of internal or international conflict and wars. Members of ethnic, linguistic, religious or national minorities, indigenous people, people of African descent and caste- or descent-based communities may be disproportionately affected by ongoing conflict or insecurity. The Special Rapporteur on minority issues, Fernand de Varennes, has noted that conflicts globally are increasingly intrastate and most involve minorities with grievances of exclusion and discrimination”.

This emphasises how important it is that migration policies at national and EU level do not reinforce institutional racism and discriminations.

- Civil society organisations have also highlighted the link between EU migration policies and the potential risk of institutional racism: “There is currently a major risk that the [EU] Pact [on Migration and Asylum] results in an ill-functioning, costly, and cruel system that falls apart on implementation and leaves critical issues unaddressed. [...] it will normalise the arbitrary use of immigration detention, including for children and families, increase racial profiling, use ‘crisis’ procedures to enable pushbacks, and return individuals to so called ‘safe third countries’ where they are at risk of violence, torture, and arbitrary imprisonment. It also betrays the spirit of existing EU work, such as the EU Action Plan on Integration and the EU Action Plan Against Racism which recognises the intersectional impacts of racism and the specific vulnerability of migrants and refugees”³⁸.

³⁶ <https://ilga-europe.org/report/intersections-migrant-racial-ethnic-religious-minorities-diving-into-the-fra-lgbti-ii-survey-data/>

³⁷ <https://www.ohchr.org/sites/default/files/documents/issues/minorities/30th-anniversary/2022-09-22/GuidanceNoteonIntersectionality.pdf>

³⁸ *Over 50 NGOs pen eleventh-hour open letter to EU on human rights risks in Migration Pact*, <https://picum.org/blog/open-letter-eu-human-rights-risks-migration-pact/>