

The EU Anti-Racism Strategy

2026–2030



KEY FINDINGS

This Briefing critically analyses the new EU Anti-Racism Strategy 2026–2030 (the Strategy) which was launched by the European Commission in January 2026. The Briefing situates the Strategy within the landscape of the existing EU anti-racism infrastructure including the primary and secondary legislation, case law, and other policy initiatives and efforts to combat racism, including the Strategy's precursor, the EU Anti-Racism Action Plan 2020–2025 (the Plan).

The Briefing shows that the EU's anti-racism infrastructure, especially the Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, commonly known as the 'Racial Equality Directive', is robust in principle. Yet, it is underutilised and ultimately ineffective. The low rates of litigation under the Racial Equality Directive at the CJEU are evidence of its underutilisation. The high rates of existing levels of racism across EU Member States, such as recorded in successive FRA reports, evidence its ineffectiveness.

It is against this backdrop that the Strategy, and previously the Plan, were adopted. The Plan was meant to be a 'step up' in the EU's fight against racism. The immediate impetus for the adoption of the Plan came from the global Black Lives Matter protests following George Floyd's death in the US. The Plan sought to address racism comprehensively and at all levels including individual, structural, and the EU's internal – institutional – level. While the Plan covered much ground, it prioritised coverage and scale over precision and ambition. That is, the Plan lacked a precise normative framework of both racism and anti-racism; and at the same time lacked ambition by failing to identify benchmarks for improvement against which the impact of anti-racism measures could be tested.

The Strategy which succeeds the Plan marks not only a semantic, but a more deliberate and determined, shift in the Commission's approach to anti-racism. In particular, the Strategy is defined by three normative shifts: the adoption of an economic rationale for anti-racism; the shift in focus towards structural racism; and the centring of participation and partnerships in the fight against racism. These shifts are accompanied by a range of measures reinforcing the need to strengthen monitoring, enforcement, and implementation of law and policy against racism in the EU. Together, both the normative and operational aspects of the Strategy may be considered more ambitious than the Plan.

Yet, the Strategy leaves significant gaps, both normatively and operationally. The success of the Strategy will depend not on how well it is executed but whether it is able to surmount the challenges posed by these gaps. These include: (i) the development of a working definition of structural racism which exceeds belief, ideology, and animus; (ii) the coordination of EU anti-racism measures across all forms of racism, all forms of discrimination, and all other issues facing the EU; (iii) the development of a common approach to intersectionality which defines and operationalises the concept at the same time; (iv) the development of a legal framework for addressing the alarming rise of xenophobia and xenophobic discrimination; (v) the prioritisation of the voices of racially disadvantaged individuals and groups; (vi) the adoption of the Horizontal Equal Treatment Directive; and (vii) the formulation of more ambitious and comprehensive programmatic approach to positive action measures for addressing racial disadvantage.

LIST OF ABBREVIATIONS

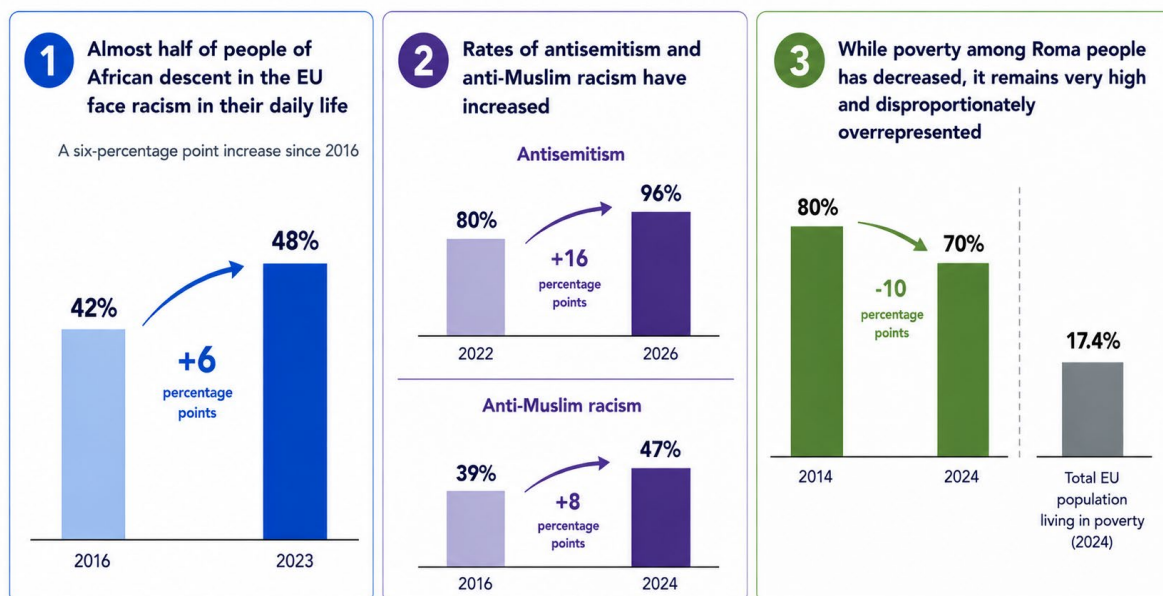
AI	ARTIFICIAL INTELLIGENCE
CJEU	COURT OF JUSTICE OF THE EUROPEAN UNION
CSO	CIVIL SOCIETY ORGANISATION
ECHR	EUROPEAN CONVENTION ON HUMAN RIGHTS
ECTHR	EUROPEAN COURT OF HUMAN RIGHTS
EU	EUROPEAN UNION
GDP	GROSS DOMESTIC PRODUCT
FRA	EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS
NGO	NON-GOVERNMENTAL ORGANISATION
TEU	TREATY OF EUROPEAN UNION
TFEU	TREATY OF FUNCTIONING OF THE EUROPEAN UNION
UN	UNITED NATIONS

A multifaceted experience of racism in the European Union

Discrimination on the basis of race is on the rise. According to [a 2023 FRA](#) report, almost half of people of African descent in the EU who responded to the survey, expressed facing racism in their daily life, a six-percentage point increase since 2016. Only 9% actually reported being discriminated on the basis of race. 30% experienced racial harassment. Almost none reported it. 58% were racially profiled by the police. Over 30% felt discriminated looking for work and at work, while 33% struggled to make ends meet.

According to [the 2023 Special Eurobarometer](#), 65% of people in the EU considered discrimination against Roma people widespread in their country, a four-percentage point increase since the last survey in 2019. The FRA's [latest Roma survey](#) from 2024 shows improvement in levels of employment and housing but also shows significant gaps between Roma and non-Roma communities. For example, while the number of Roma people living in poverty has [decreased from 80% to 70%](#) in the last ten years according to a 2025 Eurostat survey, the number is still very high and disproportionately overrepresented in the total [17.4% EU population](#) living in poverty.

Both antisemitism and anti-Muslim racism have risen steeply in the EU according to FRA reports. Rates of antisemitism increased from [80% in 2022](#) to [96% in 2026](#), according to FRA survey respondents, while experiences of anti-Muslim racism grew from [39% in 2016](#) to [47% in 2024](#). While accurate data in most countries remains sparse, there has been, according to the Council of Europe's European Commission against Racism and Intolerance 2023 report, [a sharp increase](#) in reported incidents of hate crimes against Jews and Muslims in the recent years. Even more sparse is the availability of intersectional data. To that effect, the European Parliament noted in its [2022 own-initiative report on intersectional discrimination in the European Union: the socio-economic situation of women of African, Middle Eastern, Latin-American and Asian descent 2021/2243\(INI\)](#) that those most affected by racism are those who are also disadvantaged by their sex or gender, religion, sexual orientation, age, disability etc.



Source: European Union Agency for Fundamental Rights (FRA) – EU-MIDIS II, EU-SILC, and EUMC surveys

Racism, as referenced by the European Parliament’s resolution on the situation of fundamental rights in the European Union in 2024 and 2025 ([2025/2135\(INI\)](#)), remains widespread across the EU. The rise of racism in the EU raises serious questions over EU’s anti-racism infrastructure. This briefing provides an assessment of the EU’s principal anti-racism infrastructure — its legislation, policy and especially the new Anti-Racism Strategy 2026–2030 — to assess if it is well placed to combat the many and virulent forms that racism exists in today.

The prohibition of racial discrimination

Racism is contrary to the founding principles of the EU and has been explicitly prohibited in the form of racial discrimination since 2000.

[Article 2 of the TEU](#) declares that the Union ‘is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.’ [Article 10 of the TFEU](#) further declares that ‘in defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.’ To this end, [Article 19 of the TFEU](#) empowers the Council to ‘take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.’

[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’) was adopted pursuant to these founding principles. The adoption of the Racial Equality Directive was rapid and unanimous.¹ The Racial Equality Directive is striking in its broad scope:

- it covers a **wide range of discrimination** including direct discrimination,² indirect discrimination,³ harassment,⁴ instruction to discriminate,⁵ and victimisation⁶;
- it has a **broad material scope and applies across public and private sectors** in employment, education, housing, health, social security, social advantages, and access to and supply of goods and services to the public.⁷ Yet, racism exists in all areas of life including areas such as policing and security which are not covered by the Racial Equality Directive;
- it **admits fewer exceptions or justifications for racial discrimination** in comparison to other anti-discrimination legislation such as the [Council Directive 2000/78/EC](#) of 27 November 2000 establishing a general framework for equal treatment in employment and occupation in relation to religion or belief, disability, age, and sexual orientation;
- its **remedial scope is also broad** and requires Member States to empower equality bodies, associations, organisations or other legal entities to enforce the obligations under the Directive,⁸ and to promote social dialogue,⁹ including with non-governmental organisations.¹⁰

For these reasons, the Racial Equality Directive is believed to give victims of racial discrimination ‘the **greatest level of protection available under Community law**, far exceeding that offered under the long-standing sex discrimination provisions and the other [religion or belief, disability, age and sexual orientation] recognized grounds.’¹¹

The [Charter of Fundamental Rights of the European Union](#), which was adopted the same year as the Racial Equality Directive, also prohibits discrimination, albeit on a wider range of racial grounds including, on the basis of race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, and birth.¹² Article 22 of the Charter pledges respect for cultural, religious, and linguistic diversity.

While substantively broad in its guarantees, the Charter is not generally applicable. It applies only when EU Member States are explicitly [implementing EU law](#). Its justiciability is thus limited. **In the case of racial**

discrimination, the Charter is seldom invoked independently. For example, in cases before the CJEU, the Charter is invoked alongside the more directly applicable secondary legislation: the Racial Equality Directive. Likewise, according to the FRA, the Charter is also [frequently overlooked](#) by Member States in lawmaking. So, though the Charter has gained visibility at the EU level since it came into force in 2009, the awareness and use of the Charter at the national level remains [limited](#).

In addition, there are a host of other secondary legislation and also non-binding frameworks and dedicated mechanisms, which have been created to advance the fundamental commitments in the TEU, TFEU, Racial Equality Directive, and the Charter. These include:

- the [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, which obliges Member States to criminalise and sanction violence, hate speech, incitement of hatred etc based on race, colour, religion, descent or national or ethnic origin;
- [Directive 2012/29/EU](#) of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime – the Commission proposed amendments to the directive, on which the [European Parliament](#) and the Council have reached a provisional agreement whose formal adoption is expected shortly;
- the [High Level Group on combating hate speech and hate crime](#) established in 2016; and,
- the [Digital Services Act 2022](#) and under it, the [Code of Conduct on Countering Illegal Hate Speech Online +](#) which has been signed by big tech companies.

The EU's anti-racism infrastructure is thus **vast** and, in principle, **robust** in its protection from racial discrimination especially under the Racial Equality Directive.¹³

Jurisprudence under the Racial Equality Directive

Whilst robust in principle, the EU's anti-racism infrastructure remains underutilised. This is especially the case under the Racial Equality Directive, which is the principal framework for combating racial discrimination, but has only been invoked about a dozen times before the CJEU.¹⁴ The low number of cases has been considered 'puzzling' by legal experts given both the high incidence of racism and racial discrimination in the EU and the high volume of cases brought on other grounds like gender and age.¹⁵

Several hypotheses have been offered to explain this. These range from conceptual considerations such as the lack of a definition of race and ethnicity in the Racial Equality Directive,¹⁶ and the lack of ability or willingness to talk about race and racism in postcolonial Europe;¹⁷ to doctrinal limitations such as the exclusion of religion and nationality from the scope of the Racial Equality Directive,¹⁸ the absence of a formal recognition of intersectionality,¹⁹ an overemphasis on individual enforcement,²⁰ and the disempowerment of equality bodies from bringing claims to the CJEU;²¹ and also practical considerations to do with the lack of awareness, resources, and funding for litigants to bring claims of racial discrimination. Individually and collectively, these reasons contribute to the **underutilisation and ultimately ineffectiveness of the Racial Equality Directive in combating racial discrimination in the EU**.

The first case before the CJEU in 2004 invoking the Racial Equality Directive invoked it only in passing and was declared inadmissible for lack of jurisdiction ([Attila Vajnai](#)). At least two other cases have also invoked but not engaged with the Racial Equality Directive. Cases which do engage with the Racial Equality Directive have still been declared inadmissible ([Galina Meister](#); [Johan Deckmyn](#)). For example, in [Runevič-Vardyn and Wardyn](#), the CJEU considered a challenge to the restrictions placed on spellings that could be used on certificates for civil status. The Court held that this did not fall within the material scope of the Racial Equality Directive. In a similar vein, in [Kamberaj](#) the Court held that discrimination between EU nationals and long-

term third-country nationals in accessing housing benefits was discrimination based on nationality and hence excluded from the scope of protection of the Racial Equality Directive.²² Likewise, in [Jyske Finans](#), additional assessment of financial applications of those born outside of the EU was not deemed discriminatory under the Racial Equality Directive.²³ In [Maniero](#), the restriction of scholarships to those who had passed the German First State Exam did not constitute indirect discrimination on the basis of racial or ethnic origin. Most recently, the CJEU declared a claim inadmissible when differential pricing for a student pass was based on residence ([Kawża](#)). A claim has also been dismissed for having been referred by an equality body as it was not considered a 'court or tribunal' within the meaning of article 267 of the TFEU to be able to request the CJEU for a preliminary ruling under the Racial Equality Directive ([Belov](#)). Overall, most cases brought under the Racial Equality Directive have been either **inadmissible or unsuccessful**.

The first substantive and successful ruling of racial discrimination came in 2008, eight years after the Racial Equality Directive came into force. This was in [Firma Feryn](#) where the CJEU found that public statements declaring that 'immigrants' will not be hired, constituted **direct discrimination on the grounds of race**. The *Firma Feryn* ruling was significant because it established that there was no necessity for a discrimination claim to be made by an actual identifiable claimant. The Court reminded that the aim of the Racial Equality Directive was 'to foster conditions for a socially inclusive labour market'.²⁴ According to the Court, this aim would not be met if direct discrimination could only be claimed by an actual identifiable claimant when recruitment conditions were, such as the public statements in this case, 'clearly likely to strongly dissuade certain candidates from submitting their candidature'.²⁵

The second violation of the Racial Equality Directive was found seven years later in 2015 in the case of [Chez/Nikolova](#). The CJEU held that the placement of electricity meters in Roma districts at a height significantly higher than in non-Roma districts constituted **direct discrimination, and in the alternative, indirect discrimination**. Through its reasoning, the Court subtly expanded the contours of both direct and indirect racial discrimination.²⁶ The Court interpreted direct discrimination to include collateral discrimination against persons who are *not* themselves members of protected group.²⁷ The Court interpreted indirect discrimination to mean discrimination as a matter of comparison rather than threshold, that is, discrimination which *adversely* impacts members of a protected group as compared to others, rather than particularly *serious* impact suffered by members of protected groups.²⁸

The third violation of the directive was found in 2021 in [Braathens](#) when the CJEU found that a law which prevented judicial review of discrimination claims when a defendant agreed to pay compensation without acknowledging discrimination, contravened the Racial Equality Directive.

The fourth and the latest violation was found in 2025 in [Slagelse Almennyttige Boligselskab Afdeling Schackenborgvænge](#). The CJEU held that a requirement to reduce social family housing in areas where over 50% of the residents were 'immigrants and their descendants from non-Western countries' constituted direct discrimination, and in the alternative, indirect discrimination under the Racial Equality Directive. According to the Court, references to nationality or national origin could, in addition to other factors, constitute ethnicity or ethnic origin for there to be direct discrimination under the Racial Equality Directive. In the alternative, if references to nationality or national origin were considered neutral on the face of it, they could still be considered as putting persons of non-Danish ethnicity at a disadvantage compared to Danes, and ultimately constitute indirect discrimination under the Racial Equality Directive. Yet, neither the [Advocate General's opinion](#) nor the CJEU's decision acknowledged *Slagelse* as a case of xenophobia or xenophobic discrimination.²⁹ In the final analysis, despite being confronted by a textbook case of xenophobia or xenophobic discrimination, the Court missed the opportunity in *Slagelse* to clarify the protection against xenophobia under the Racial Equality Directive.

That only four successful rulings have emerged from the CJEU under the Racial Equality Directive is a matter of concern. Whatever progress these successful rulings may be said to have made, may ultimately be

considered minor, as against the high rate of failure of claims. The CJEU's record under the Racial Equality Directive thus **remains marginal**. This is despite, as EU institutions and agencies' reports referenced earlier in this Briefing show, an overwhelming incidence of racism in EU Member States.

The lack of an active and robust litigation culture under the Racial Equality Directive leaves racial discrimination in the EU to be addressed by other means, such as the EU Anti-Racism Strategy. Whilst not an alternative, the Strategy does become important in an otherwise underutilised and ineffective anti-racism infrastructure. The next sections turn to consider how, first, the EU Anti-Racism Action Plan 2020–2025 and then, the EU Anti-Racism Strategy 2026–2030, fare in combating racism.

Anti-Racism Action Plan 2020–2025

The EU Anti-Racism Action Plan 2020–2025 (hereafter 'the Plan') was adopted to 'step up' the European Commission's action against racism. The Plan was spurred by the global Black Lives Matter protests against George Floyd's death in the US. It was adopted with an unequivocal understanding that the prohibition of racial discrimination in EU law was not sufficient in combating racism and that **a more active stance against racism was necessary** in actually addressing and ultimately eradicating racism.

The Plan was divided into three main sections dedicated to tackling racism at the individual, structural and EU's internal – institutional – level. Intersectionality and equality mainstreaming cut across all three levels.

First, the Plan focussed on **'racism by individuals' and in particular interpersonal racism by individuals against individuals on the basis of their actual or perceived racial characteristics**. The Plan identified two key areas for improvement here: legislation and enforcement. The Plan pledged to undertake a comprehensive assessment of EU racial discrimination law especially the protection offered by the Racial Equality Directive, including its monitoring, enforcement, and implementation through equality bodies, strategic litigation, and infringement proceedings, across all areas including education, employment, health, housing, safety, and social security.

Second, the Plan focussed on **structural racism as the 'underlying' cause of racism**. It identified three sets of policy initiatives focussed each on combating stereotypes and raising awareness of history and contemporary conditions through better data collection; mobilising action at local, regional, national, and international levels including through formulation of national action plans; and pursuing positive action through regular consultation and dialogue with a range of stakeholders including public authorities, civil society, experts, and a new coordinator for anti-racism.

Third, the Plan focussed **internally on the EU's own institutional architecture**. It emphasised the need for the EU as an employer to lead by example. It thus pledged a range of measures for ensuring diversity and inclusion in its workforce and workplace.

The Plan was a genuine first step towards broadening EU action against racism, spanning all forms of racism—individual, institutional, and structural; all types of racism including anti-Black racism, antisemitism, anti-Gypsyism, and Islamophobia; all levels including local, national, regional, and international; and all operations—legislative, monitoring, enforcement, implementation, policy, and all other discourse and praxis. Yet, the Plan prioritised coverage and scale over precision and ambition. That is, the Plan **lacked a precise normative framework of both racism and anti-racism**; and at the same time **lacked ambition by failing to identify benchmarks for improvement** against which the impact of anti-racism measures could be tested.

The absence of a normative framework is stark from the outset. The Plan did not offer an affirmative account or working definition of racism and instead referred to ECRI's definition of racism: 'According to the Council of Europe's European Commission against Racism and Intolerance, racism "shall mean the belief that a ground such as "race", colour, language, religion, nationality or national or ethnic origin justifies contempt for a person or a group of persons, or the notion of superiority of a person or a group of persons".'³⁰ This

definition is limited to belief or ideology and conceives racism as a state of mind or animus.³¹ It thus provides a limited understanding of racism and in particular structural racism. While acknowledging ‘different forms of racism’ including both individual racism and structural racism, the Plan eventually ends up explaining both forms as a matter of animus – the former as ‘overt’ and the latter as ‘less explicit’ and based on ‘unconscious bias’.³² A direct consequence of this ideology-based understanding in the Plan were the lopsided recommendations for tackling structural racism by targeting stereotypes and prejudices in media, education, culture and sport rather than structures as such – making structural racism appear more of a perception, than a real, problem.³³ In a similar vein, the Plan acknowledged intersectionality throughout, but did not offer a clear account or framework of intersectionality.

The absence of benchmarks is stark in the recommendations concerning monitoring, implementation, and enforcement of legislative, policy, and other measures. For example, even though the Plan rightly identified the need to support strategic litigation, it **failed to indicate what sufficient or effective strategic litigation may look like**. Similarly, while the Plan encouraged the promotion of the 2008 proposal to implement equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (known as the Horizontal Equal Treatment Directive), it failed to set a benchmark for its adoption. Indeed, the Horizontal Equal Treatment Directive continues to be in a state of limbo even today. Finally, despite its acknowledgment of the vast disparities between racialised groups in employment, education, healthcare, and housing, no funding goals, indicators or benchmarks were articulated or sought to be developed as part of the Plan. As a result, the articulation of the Plan with the [Multiannual Financial Framework](#) (MFF)—EU’s long-term spending plan currently in its sixth iteration 2021–2027—and [Justice, Rights and Values Fund](#) (2021–2027)—an EU funding initiative designed to promote, strengthen, and protect EU values, fundamental rights, and the rule of law—was limited.

In 2024, the Commission published ‘the Report on the implementation of EU anti-racism action plan 2020–2025 and on national action plans against racism and discrimination’ (‘the Report’). The Report highlights the standout achievements during the duration of the Plan, which include:

- the adoption of the [Council Directives on Equality Bodies](#) in 2024;
- the advancement of the cause of adding hate speech and hate crimes to ‘[EU crimes](#)’;
- the publication of extensive FRA surveys and research on the [current levels of racism](#);
- the review of the gaps in the protection from racial discrimination in the EU such as in the 430-page [Study](#) to support the preparation of an EU initiative to address possible gaps in the legal protection against discrimination on grounds of racial or ethnic origin published in 2022;
- the adoption of the Joint Communication on ‘[No place for hate: a Europe united against hatred](#)’ by the Commission and the High Representative in 2021;
- the adoption of a range of measures to address online and algorithmic discrimination and safety, including the adoption of the [AI Act](#) in 2024;
- the adoption of [national action plans](#) against racism by 11 Member States and the development of a common checklist for the adoption and implementation for such plans; the generation of [knowledge](#) of the legacy of colonialism and racism, including better collection of data; and
- the initiation of infringement proceedings against [three Member States](#) (Czech Republic, Slovakia, and Hungary) and referring [one of the Member States](#) (Slovakia) to the Court of Justice of the European Union for failing to effectively tackle the issue of segregation of Roma children in education (both still ongoing), and against [thirteen Member States](#) for failing to fully and correctly

transpose the Framework Decision on combating racism and xenophobia and other legal means to combat racism.

There was thus no dearth of action taken in response to the Plan. Yet, the Report highlighted the **recalcitrance of racism and the lack of progress** evident from the surveys on the existing levels of racism in the EU. Despite all the active measures taken to combat racism in the EU, material gaps in the wellbeing of racialised groups have only widened. Structural racism ultimately appears intact.

Anti-Racism Strategy 2026–2030

The Anti-Racism Action Plan 2020–2025 has been succeeded by the EU Anti-Racism Strategy 2026–2030 (hereafter ‘the Strategy’). The Strategy arises from the EU’s commitment to building [‘a union of equality’](#) where people live free from discrimination and realise their fullest potential. The Strategy flows from a clear-eyed recognition of ‘the need to do more’³⁴ to address racism. The Strategy is thus more ‘full-fledged’³⁵ than the Plan in addressing anti-racism comprehensively across the EU.

The shift from the ‘plan’ to the ‘strategy’ seems deliberate and not merely semantic. Importantly, the shift is normative and marked in three particular ways:

- the adoption of an economic rationale for anti-racism;
- the shift in focus towards structural racism; and,
- the centring of participation and partnerships in the fight against racism.

First, **combating racism is framed as ‘a security and a strategic’ issue of EU’s competitiveness**. The EU is said to have lost 12.7 billion Euros in GDP because of racism.³⁶ The economic cost of racism is thus simply too immense for the EU to not take on racism more seriously. Importantly, this normative shift also brings the Strategy in line with the Racial Equality Directive which notes that racial discrimination undermines ‘the attainment of a high level of employment and of social protection, the raising of the standard of living and quality of life, economic and social cohesion and solidarity. It may also undermine the objective of developing the European Union as an area of freedom, security and justice.’³⁷ EU anti-discrimination law thus has an intimate connection with the economic aims of the EU, and the Strategy recognises this squarely.

The economic rationale for anti-racism is however not standalone. The Strategy combines it with the aim of an inclusive society. In focussing on ‘social equality and cohesion’³⁸ at the same time as economic cohesion, **the Strategy bridges the divide between market conditions and social conditions**. That is, the material wellbeing of people from disadvantaged groups in terms of access to and achievements in education, employment, housing, healthcare, and social protection are seen as correlated with the success of the market economy.

To this combined end, the Strategy focuses on:

- inclusive education, as both an equaliser and a mobiliser;
- inclusive employment, which reinforces the values of equity, diversity, and inclusion;
- inclusive housing, which aims to address unequal access, hurdles in renting or obtaining loans, overcrowding, homelessness, poor living conditions, and segregation;
- healthcare, to address poor health outcomes and lack of access to quality healthcare for racially disadvantaged groups, especially intersectionally disadvantaged groups, such as migrant women; and,
- inclusive social protection, which includes attention to the needs of racially disadvantaged groups in the design of social protection.

In sum, the Strategy’s anti-racist approach is one that combines social and economic concerns holistically.

Second, the Strategy brings **structural racism into focus**. The Plan maintained a triple focus on interpersonal, structural and institutional racism and the Strategy too is dedicated to combating 'all forms of racism'.³⁹ Yet, the Strategy brings structural racism into sharp relief. The opening chapter of the Strategy is dedicated to 'tackling structural racism' and underscores the need for 'understanding structural racism to tackle it effectively'.⁴⁰ Though the understanding of structural racism that is offered in the Strategy is linked back to definitions of racism based on the 'belief' of superiority of some and the contempt of others.⁴¹ It is said to be 'persistent', 'more harmful' and that which is 'experienced over a lifetime [and] accumulates and poses barriers'.⁴² But it is no more precisely or fully explained as a concept in the Strategy than the Plan.

The examples that the Strategy brings up to illustrate structural racism include the significant gaps in life expectancy of Roma/Travellers in comparison to others and the high level of material deprivation of Muslim households in comparison to others.⁴³ These are good examples of structural racism because they point to the material gaps in the level of education, employment, housing, security, health, etc. Structural racism is indeed manifested in material disadvantage or the significant advantage gaps between racialised groups.⁴⁴ **The hook to material disadvantage is thus crucial in explaining structural racism.** Yet, this is not the whole story as it does not tell us how structural racism comes about or where its root causes lie. The root causes of structural racism do not lie in the state of mind of the discriminator. The Strategy does not make this clear and instead mistakenly pegs structural racism to belief, ideology, and animus.

Third, the Strategy **centres participation and partnerships**. It stresses the importance of the engagement of and cooperation between all stakeholders (EU Member States, EU institutions and agencies, CSOs, international partners, regional and local authorities, the private sector, and communities affected by racism) and at all levels (local, national, regional, and international). This broad approach to anti-racism both within and beyond the EU is significant and a clear step up from the Plan. It emphasises the need for diverse voices to contribute to anti-racism in a truly collective manner. In a similar vein, the Strategy emphasises the **importance of multilateralism in the fight against racism and the need for greater international cooperation** with the Council of Europe, the United Nations, and other multilateral bodies. The Commission envisages a range of diplomatic and other efforts to enable a broad and layered multi-party dialogue on anti-racism, including through the development of anti-racism plans at every level. For this, the Strategy prompts the EU 'to lead by example'⁴⁵ in developing policies, plans, guidelines, trainings, programmes, frameworks, and strategies to direct its own operations.

These are three critical normative shifts and show a genuine attempt to develop a more sophisticated conceptual framework of anti-racism for the EU.

Aside of the normative shifts, there are greater continuities between the Plan and the Strategy with the difference in the practical approach to the monitoring, enforcement, and implementation of law and policy being more a matter of degree than kind.

First, like the Plan, the Strategy is **committed to an intersectional approach to racism**. Though, like the Plan, the Strategy does not delve into intersectionality either by giving shape or substance to the concept or to its application in law and policy. It thus ends up reiterating but not necessarily reinforcing intersectionality. What the Strategy does is that it pledges to 'develop guidelines on implementing an intersectional approach in research and innovation policy' with the aim of addressing those most intersectionally disadvantaged. This is a sound approach and holds the key to a more substantive discussion on intersectionality within the EU.

Second, like the Plan, the Strategy **centres education, outreach, and awareness-raising in changing stereotypes and prejudices people attach to racially disadvantaged groups**. The Strategy goes further than the Plan however and centres remembrance and memorialisation through commemoration days and through 'anti-racism education' which focuses on research and knowledge about the global history of

colonialism, slavery, genocide and Holocaust.⁴⁶ The Strategy does go beyond the Plan in attacking not only the attitudes, perceptions, and experiences of racism but also the very drivers of racism to understand the social, historical, cultural, political, economic, familial, psychological, religious etc mores which underlie it.

Third, like the Plan, the Strategy **reinforces the need for better equality data including disaggregated intersectional data**. The Strategy commits to working with EU Member States and EU agencies including the FRA, in developing technical support for collecting equality data. The pledge to prepare a recommendation to improve the collection, analysis, and use of disaggregated equality data is critical in this regard. The success of this recommendation would depend on it addressing the necessity of the use of the category of race and race-related grounds such as colour, ethnicity, ethnic origin, national origin, nationality, citizenship, language, birth, place of origin, accent etc in data collection. The naming of racial categories is important in identifying racism which is ultimately based on racial categories. The use of racial categories must thus, in line with recital 6 of the Racial Equality Directive, not be seen as implying 'the existence of separate human races'. Rather, the use of racial categories should be seen through the lens of 'racialisation' or 'racialism' which refers to the processes which (re)generate and (re)circulate racial categories within social, political, economic, cultural, educational, religious, familial and other contexts.⁴⁷

Fourth, like the Plan, the Strategy commits to **a stronger enforcement of EU anti-discrimination law especially laws prohibiting racial discrimination**. Here, the Strategy goes no further than the Plan, for example, in assessing Member States' sanctions against discrimination, analysing the application of the Racial Equality Directive to cases of algorithmic discrimination, strengthening frameworks to combat online hate speech, monitoring, and enforcing the Digital Service Act, and monitoring and implementing the Code of Conduct on countering illegal hate speech online+. These commitments are general and no more developed than those in the Plan.

The Strategy does update its enforcement commitments in relation to legislative developments which have taken place since the Plan such as the new Artificial Intelligence (AI) Act. **The Commission commits to developing guidelines and tools for the effective implementation of the AI Act and the Victims' Rights Directive**. This commitment is however not specifically tailored to address racism. Likewise, the commitment to develop indicators to assess equality bodies under the new Directives on Standards for Equality Bodies is also not tailored to the assessment of equality bodies' record on racism. The Strategy is thus generic to the point of oblivion when speaking about the monitoring, implementation, and enforcement of EU law and policy *for addressing racism*. Where it is more specific, such as when it speaks of racial bias in public administration and in policing, the recommendations which emerge are yet generic.

For example, the recommendation to Member States for introducing comprehensive training programmes for law enforcement authorities focuses narrowly on training rather than holistically on how police powers are conceived, funded, and operationalised as part of the architecture of the carceral state.⁴⁸ Trainings have been criticised for making racialised policing about individuals *within* policing, rather than about the *structure of* the police and the state itself.⁴⁹ In recommending trainings as a response to racialised policing, the Strategy overlooks the structural dimension of racialised policing and law enforcement.

Ultimately, the Strategy presents a more ambitious template for anti-racism in the EU than the Plan. Normatively, the Strategy is more robust in (i) aligning economic and social rationales, (ii) focusing on structural racism, and (iii) centring participation and partnerships. Practically, the Strategy is more comprehensive in its commitment to monitoring, enforcement, and operationalisation of all EU law and policy from an anti-racist perspective. That said, both normative and practical contributions of the Strategy need to be further refined in order to be meaningful. The next section identifies the potential that must be exploited and the gaps which need to be filled for the Strategy to be successful.

The Way Forward

The Strategy was released in January 2026. It is in its early stages of its five-year lifespan and there is great potential to be harnessed from its ambitious scope. The following areas will be key to its success.

- **Developing a working definition of structural racism**

The Strategy commits to ‘facilitate the development by Member States of a working definition of structural racism’.⁵⁰ This is an important step which will fill the gap between the growing use of ‘structural racism’ as a term and the lack of a conceptual understanding of it. Structural racism is the root cause of all racism and signifies the totality of social, political, familial, religious, economic, cultural, and psychological networks of relationships between people in a society.⁵¹ Importantly, structural racism highlights the role of the state, state institutions, and state-like entities in regulating and governing these relationships.⁵² **It is important that any definition of structural racism accounts for the role of the state, multi-state entities like the EU, and state-like entities such as big tech companies, in structural racism.** It is also important that any definition of structural racism that is developed within the EU resonates with the rich and abiding interdisciplinary scholarship that has existed on the subject.⁵³ This scholarship, along with the use of the term by social movements, human rights defenders, and civil society, can be the most important resources in developing a working definition of structural racism for the EU.

The development of a **working definition of structural racism should be complemented with the development of a working definition of anti-racism as well.** It is not sufficient to understand racism better.⁵⁴ Understandings of racism should be accompanied by understandings of anti-racism and in particular a broad [legal commitment to anti-racism as a principle](#) which goes beyond a narrow prohibition of racial discrimination. An affirmative understanding of anti-racism is not simply a stance against individual or institutional racism or racism which is to do with belief, ideology or animus. It is a stance against the root causes or the very drivers of racial disadvantage which are embedded in the social, political, familial, religious, economic, cultural, and psychological networks that undergird a society.⁵⁵ Anti-racism must thus seek to transform these fundamentally, rather than address the mere symptoms as manifested in individual behaviour and as addressed in anti-discrimination law. The EU could take a cue from the United Nations High Commissioner for Human Rights and their recent reports from 2021,⁵⁶ 2022,⁵⁷ 2023,⁵⁸ and 2024.⁵⁹ which have adopted a transformative agenda for anti-racism.

- **Coordinating anti-racism activity in the EU**

The Strategy notes that it ‘*flanks* the work of the Commission Coordinators on combating racism, on combating antisemitism and fostering Jewish life, on combating anti-Muslim hatred, as well as the Commission’s work on Roma equality, inclusion and participation, on the protection of fundamental rights and on combating hate offences.’⁶⁰ It does not specify how it does so. It would be important for the operationalisation of the Strategy to specify **the coordination between different anti-racism activity and strands of work in the EU.** This is for three reasons.

First, it is important for anti-racism activity to be based on common principles and a shared framework. The primary and secondary legislation provide the concrete and binding norms in the area. But in addition, the non-binding norms including operational standards in policies, guidelines and indeed documents like the present Strategy, need to articulate how they relate to the broader EU architecture. For example, the European Parliament’s extensive efforts in addressing structural racism include the adoption of successive resolutions (of [26 March 2019](#) on fundamental rights of people of African descent in Europe; of [19 June 2020](#) on the anti-racism protests following the death of George Floyd; of [8 March 2022](#) on the role of culture, education, media and sport in the fight against racism; and of [10 November 2022](#) on racial justice, non-discrimination and anti-racism in the EU). The Strategy does not make it explicit if it seeks to provide the

scaffolding of common principles for all EU anti-racism activity. In its absence, the Strategy appears more an assortment of ideas and actions than a consolidated framework for real change.

Second, different types of racism are all co-constituted and intersecting with other forms of oppression. But they are dealt with separately such as in the EU Roma strategic framework for equality, inclusion and participation for 2020-2030; the EU Strategy on combating antisemitism and fostering Jewish life 2021-2030; the work of the Coordinators, Special Representatives, Envoy and Ambassadors on Combating Anti-Muslim Hatred and Discrimination; the LGBTIQ Equality Strategy 2026-2030; the Gender Equality Strategy 2026-2030; and the Strategy for the Rights of Persons with Disabilities 2021-2030. Discrimination does not exist in silos and is in fact intersectional. It is thus crucial to articulate how each of these independent work streams combine and cohere to address seemingly independent but interdependent inequalities.

Third, the Strategy is silent about racism's links with climate change, war, authoritarianism, precarity, wealth inequality, extreme poverty, anti-migration movement, and anti-gender movement. The Strategy does recognise intersectionality and the intersection of racial grounds with other grounds of discrimination. It thus recognises intersectional discrimination. This recognition is indeed necessary. But racism not only intersects with other forms of discrimination, it also shapes other major issues and phenomena beyond discrimination in the EU, its Member States, and the world. The Strategy is silent on issues such as how climate change is racialised both in terms of its cause and effect; how wars and conflicts within and beyond Europe are shaping and being shaped by race and racism, as evident, for example, in the systematic crackdown of peaceful protests across EU Member States; how the rise of authoritarianism stokes nativist, ethno-nationalist, and anti-migration sentiment; how precarity, wealth inequality, and extreme poverty exacerbate the conditions of racially disadvantaged groups; and how the anti-gender movement is often based on the racialisation of non-white or non-European bodies. Linking racism with these other issues would have recognised racism as not merely an anti-discrimination issue, but an issue of democracy, human rights, and rule of law, and therefore central to the European project. **The Strategy should be actively linked with action for climate justice, peace, democracy, wealth equality, gender justice, reparations etc.** All EU institutions and relevant stakeholders can play a key role in operationalising anti-racism as a fundamental EU value through this Strategy.

- **Developing a common approach to intersectionality**

The Racial Equality Directive recognises 'multiple discrimination' but does not acknowledge intersectionality or intersectional discrimination.⁶¹ The CJEU has consequently also [failed](#) to recognise intersectionality or intersectional discrimination in its anti-discrimination jurisprudence.⁶² In contrast, while the ECHR also does not recognise these concepts, the ECtHR has recently embraced them unequivocally in the case of [FM v Russia](#) and the European Committee of Social Rights has made a finding of intersectional discrimination in [International Planned Parenthood Federation European Network \(IPPF EN\) v Italy](#). The legislative gap in addressing intersectionality is thus increasingly being filled by other means, including judicial and policy-level developments at the Council of Europe.⁶³ In the EU, more recent Directives such as the [Directive 2024/1385](#) of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence and the [Directive 2024/1500](#) of the European Parliament and of the Council of 14 May 2024 on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and amending Directives 2006/54/EC and 2010/41/EU; and the [Directive 2023/970](#) of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms – all recognise intersectionality in their text explicitly.

The Strategy **embraces intersectionality but does not make its conceptual and practical contributions clear**. The absence of conceptual and practical precision in invoking intersectionality empties the concept

of its significance. Just as the Strategy has committed to supporting the development of a working definition of structural racism, it has committed to ‘develop guidelines on implementing an intersectional approach in research and innovation policy, with the aim that research is sensitive to the needs of people affected by racism’. This commitment could take a cue from a similar process undertaken by the Council of Europe which has adopted a [Study on Preventing and Combating Intersectional Discrimination In Europe: A Model For Change](#), with a view to pass a Council of Ministers Recommendation on intersectionality.

- **Addressing xenophobia or xenophobic discrimination**

The preamble to the Racial Equality Directive shows that its historical development was borne out of a concern against both racism and xenophobia.⁶⁴ Yet, the substantive provisions of the Racial Equality Directive do not refer to xenophobia again. Rather, Article 3(2) states that ‘this Directive does not cover difference of treatment based on nationality’. Xenophobic discrimination can also be based on racial or ethnic grounds and must be considered prohibited as a form of racial discrimination.⁶⁵ The UN Committee on the Elimination of Racial Discrimination has confirmed this in their [General Recommendation No. 30 on Discrimination Against Non-Citizens](#).

Indeed, the CJEU in *Firma Feryn* and *Slaglese* found that the adverse treatment of immigrants or foreigners constituted a violation of the Racial Equality Directive. Despite, *Firma Feryn* and *Slaglese* neither mention xenophobia or xenophobic discrimination explicitly nor explain the bases on which xenophobia or xenophobic discrimination may be said to coincide or intersect with racial discrimination. The result is that there is **no doctrinal understanding of xenophobia or xenophobic discrimination in EU law**. The Strategy too eschews this conversation. This is concerning given the current discourse of ever [rising xenophobia](#) in EU Member States, as referenced by the 2025 FRA report on the situation of fundamental rights in the EU. The development of the law against xenophobia, legislatively and doctrinally, will be necessary in thwarting this challenge.

- **Centring the voices of racially disadvantaged groups**

The Strategy commits to **greater participation of all relevant stakeholders in combatting racism**. It is comprehensive in its coverage of stakeholders including at a local, domestic, regional, and international level. The Strategy’s focus on social dialogue and especially dialogue with NGOs is directly in line with articles 11 and 13 of the Racial Equality Directive.

The Strategy could yet have prioritised the need to amplify the voices of those most marginalised and racially disadvantaged. In a similar way as disability advocacy emphasises ‘nothing about us without us’, anti-racism should centre the voices of racially disadvantaged individuals and groups. This means according priority to the participation of those who are most racially disadvantaged. This in turn means seeking out, accounting for, and responding to the views of racially disadvantaged individuals and groups within the EU. The European Parliament—as the only directly elected EU institution—plays a critical role in enabling [civil society participation](#) in law making. The Strategy’s focus on participation of all stakeholders and at all levels does not automatically or necessarily ensure parity in and prioritisation of voices in the participation of racially disadvantaged individuals and groups. The European Parliament, through its regular, open, and transparent consultative forums, hearings and exchanges can help ensure this parity and prioritisation in the participation of racially minoritised and disadvantaged people in legislative processes.

- **Adopting the Horizontal Equal Treatment Directive**

The Strategy does not mention Proposal COM(2008)426 for a new EU Horizontal Equal Treatment Directive. This is a step back from the Plan which had declared that the Commission will ‘continue to encourage progress towards the required unanimity in the Council to adopt its 2008 proposal to implement equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation’.⁶⁶

While the Proposal ostensibly concerns the grounds of religion or belief, disability, age or sexual orientation and not racial or ethnic origin, the Proposal is important for anti-racism too. The Horizontal Equal Treatment Directive would provide comprehensive protection to racially disadvantaged groups who fall through the cracks of protection especially when their discrimination is not *only* based on racial grounds. For example, given the continued preference to classify discrimination against Muslim women as religious discrimination,⁶⁷ it would be important for such religious discrimination (which is intrinsically linked to racial discrimination) to have the same level of protection as racial discrimination. The Horizontal Equal Treatment Directive would ensure this and would provide comprehensive protection to intersectionally disadvantaged groups.⁶⁸ The failure to adopt the Horizontal Equal Treatment Directive for almost two decades despite widespread support from the civil society⁶⁹ and the European Parliament⁷⁰ demonstrates **a lack of political will in closing the legislative gaps in the protection from discrimination in the EU**. As a co-legislator, the European Parliament [continues to discharge its duty](#) in furthering the Horizontal Equal Treatment Directive, initially, by adopting a proposal for the directive, and later, by passing resolutions calling on the European Council to adopt the directive. Its efforts have resulted in the European Commission's revival of the proposal for the Horizontal Equal Treatment Directive in 2025.

- **Pursuing positive action measures**

The Racial Equality Directive is unequivocal that 'the prohibition of discrimination should be without prejudice to the maintenance or adoption of measures intended to prevent or compensate for disadvantages suffered by a group of persons of a particular racial or ethnic origin, and such measures may permit organisations of persons of a particular racial or ethnic origin where their main object is the promotion of the special needs of those persons.' Article 5 is dedicated to positive action and provides that: 'With a view to ensuring full equality in practice, the principle of equal treatment shall not prevent any Member State from maintaining or adopting specific measures to prevent or compensate for disadvantages linked to racial or ethnic origin.'

Even though the Strategy is aware of the racial disadvantage for groups including Roma/Travellers, Black people, Muslims, migrants, asylum seekers, and refugees, it does not explicitly encourage positive action from the Member States to address such disadvantage. Structural racism, which is manifested in material disadvantage, cannot be tackled without **broad-based positive measures which proactively address the advantage gaps between racialised groups**. The Strategy's opening chapter on structural racism must thus be mobilised keeping in view the provisions on positive action in the Racial Equality Directive.

ENDNOTES

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- ⁶ Article 9, Racial Equality Directive.
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- ³⁵ EU Anti-Racism Strategy 2026–2030, page 1.
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