



Memorandum

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SUBJECT: Afro-descendants and racial discrimination in Europe**FROM:** Paul Belkin (7-0220)
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This memorandum provides information on Afro-descendants and racial discrimination in Europe. It includes a Europe-wide overview and specific information on the United Kingdom, France, the Netherlands, Spain, and the EU.

Overview

There are no official estimates of the number of Afro-descendants living in Europe or within the European Union (EU). Although at least two European countries — the United Kingdom (UK) and the Netherlands — do collect ethnic- or race-based demographic data, most European governments do not. Notably, in France a 1978 law bars the government from collecting data based on race. In general, governments in Europe do officially distinguish between “native” citizens and foreign residents or citizens of foreign descent. However, many European societies are reluctant to collect demographic data based on race and/or implement “race-conscious” policies such as affirmative action (often referred to as “positive discrimination” in Europe) for fear that this may create unwanted and artificial divisions within society.

Experts agree that ethnic minorities in Europe — particularly those of darker complexion — have historically suffered high levels and continue to suffer moderate to high levels of racial discrimination. Curbing such discrimination and addressing the consequences of a more ethnically diverse society have become increasingly important priorities for governments across Europe over the past two decades. All EU member states have laws against discrimination and have at least transposed into national law the EU’s 2000 Racial Equality Directive prohibiting racial discrimination in the employment, education, and public and private housing sectors and beyond.¹ However, while some European countries have made significant progress, many have only recently begun to systematically address the problem and have yet to devote substantial resources and political

¹ Council Directive 2000/43/EC of June 29, 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, available at [http://europa.eu/eur-lex/pri/en/oj/dat/2000/l_180/l_18020000719en00220026.pdf].

capital to their efforts. In particular, the EU's Agency for Fundamental Rights (FRA) cites a lack of official data in many EU member states as being a key impediment both to monitoring and curbing racial discrimination.²

Background

Africans and Afro-Caribbeans began migrating to Europe in significant numbers after World War II during a time of de-colonization and economic recovery and development on the continent and in the UK.³ The majority of Afro-descendant migrants came to Britain, France, and the Netherlands from these countries' colonies and former colonies (see Appendix for a map of European colonies in Africa). The granting of citizenship to inhabitants of the colonies and liberal family unification policies ensured that Europe's Afro-descendant population grew over time. This, despite decisions to curb immigration in the late 1960s and 1970s in response to job losses and resulting societal tensions due to an economic downturn.

Over the past decade, countries that historically experienced outflows of immigrants — for example, Spain, Italy, and Ireland — have seen net inflows of African and other migrants. As in the post-war period, economic development and the accompanying demand for labor have spurred this wave of migration. In addition, freedom of movement among EU member states means that countries on Europe's southern border such as Italy and Spain have become so-called transit countries for migrants coming to Europe from Africa. Despite this trend, most European countries continue to be home to relatively small numbers of Africans or Afro-descendants. In particular, newer and formerly communist EU member states in central and eastern Europe do not appear to have substantial African or Afro-descendant populations. On the other hand, experts indicate that governments in these and other European countries with little history of African migration may be inadequately prepared to combat racial discrimination in their traditionally homogenous societies.

African and Afro-Caribbean immigrants to Europe in the 1950s and 1960s experienced a high degree of racial discrimination. As one scholar notes, "When the first postwar wave of ethnic minorities began arriving in Europe in the 1950s and early 1960s, it was [not prohibited] for pub owners to refuse them a drink because they were not white, for employers to fling racial insults at them, and for landlords to write advertisements for prospective tenants that plainly stated 'no coloureds.'"⁴ Policies and laws aimed at curbing such discrimination emerged in the mid-1960s in the UK and France, and later in the rest of western Europe. However, despite growing public awareness and political action to curb racial discrimination, particularly since the 1980s, most experts agree that blacks and other ethnic minorities continue to face relatively widespread discrimination throughout much of Europe.

² The EU Agency for Fundamental Rights (FRA), *Trends and Developments 1997-2005, Combating Ethnic and Racial Discrimination and Promoting Equality in the European Union*, 2007.

³ Background and country-specific information from the following sources: Erik Bleich, *Race Politics in Britain and France: Ideas and Policymaking since the 1960s*. Cambridge: Cambridge University Press, 2003; Erik Bleich, "Hate Crime Policy in Western Europe," *American Behavioral Scientist*, October 2007; 2006 country and EU-wide reports from the European Network Against Racism (ENAR), available at [www.enar-eu.org]; and the EU FRA's 2007 *Report on Racism and Xenophobia in the Member States of the EU*, available at [www.fra.europa.eu].

⁴ Bleich, *Race Politics in Britain and France* op. cit., p. 196.

Observers highlight the employment, housing, and education sectors as key areas in which blacks and other ethnic minorities tend to face persistent racial discrimination. In addition, the EU's Agency for Fundamental Rights reports that among minority groups Africans and other "black minority groups" are consistently most vulnerable to racist violence and crime.⁵ Finally, some express concern that heightened scrutiny of Europe's Muslim population since the September 11, 2001 terrorist attacks in the United States and subsequent attacks and thwarted plots in the UK, Spain, Germany and other European countries, may lead to unjust "racial profiling." As discussed below, critics allege that British law enforcement agencies have unfairly targeted blacks and other ethnic minorities under new anti-terrorism laws. Others have taken aim at Dutch policies aimed at "at risk" Antillean and Aruban youths, which they say violate European anti-discrimination laws.

The UK and France are home to the largest numbers of Africans and Afro-descendants living in Europe. They were also the first European countries to institute laws and policies prohibiting racial discrimination. However, each country's anti-discrimination and integration policies are based on often starkly divergent ideas about race and the status and role of ethnic minorities in society. While the UK has adopted "race-conscious" policies which target individual ethnic groups, France espouses a "race-neutral" or "color-blind" policy which does not distinguish between people based on race or ethnicity. European approaches to combating racial discrimination and promoting integration of minority groups tend to be based on one of these two models.

Afro-Descendants and Racial Discrimination in Selected European Countries and the EU

The United Kingdom. According to the UK's 2001 census, about 1.37 million black, black British or blacks with mixed ethnic backgrounds live in the United Kingdom. Collectively, they represent just over 2% of the total population. Black Caribbeans make up the country's largest single group of Afro-descendants. Between 1991 and 2001, the UK's black population increased by 29% compared to 1.2% for its white population and 39% for its Asian population.⁶

British governments began enacting what has become a comprehensive body of legislation prohibiting acts of racial hatred and racial discrimination in the mid-1960s. Significant laws include: the landmark Race Relations Act of 1976 and the subsequent creation of the Commission for Racial Equality (CRE); the 1986 Public Order Act and 1998 Crime and Disorder Act, which outlawed and enacted tougher penalties for expressive and physical racism; and the Race Relations Act of 2000, which sought to tackle racism within government institutions, particularly law enforcement agencies. According to observers, enforcement of such legislation has improved over time. The primary institutional mechanism for this improvement has been the CRE, which became part of the Equality and Human Rights Commission (CEHR) in October 2007. The Commission is publicly funded, but operates independently of the government. Among other things, it undertakes audits of businesses or government departments it suspects are discriminating, takes legal action on

⁵ EU FRA, *Trends and Developments 1997-2005*, op. cit., p. 42.

⁶ See Office for National Statistics, National Population Size by ethnicity at [<http://www.statistics.gov.uk/CCI/nugget.asp?ID=273>].

behalf of individuals who have been discriminated against, collects and analyzes statistics on discrimination, and funds local organizations to fight racism.

In its 2007 report on racism and xenophobia in EU member states the EU's Agency for Fundamental Rights (FRA) singles out the UK as being at the forefront of European efforts to fight racial discrimination. However, the FRA, CEHR, and other groups also point to examples of continued racial disparities and discrimination in the employment, education, and health care sectors, and in the criminal justice system. A comparison of unemployment rates in 2004 indicates an unemployment rate of between 12% and 13% among working age blacks compared to 4.3% for working age whites. The same study points out that in 2005, there was only one British-born black director of a FTSE-100 (Financial Times Stock Exchange) company.⁷ Both the CRE and the European Network Against Racism (ENAR) refer to the poor performance of blacks in British schools as evidence of segregation in the educational system. According to CRE, "Black pupils are permanently excluded [from schools] at over twice (and specifically those of Caribbean origin about three times) the rate of white pupils."⁸

Several groups highlight both recent progress made in curbing racial discrimination within the British criminal justice system and examples of continued discrimination. Since a much-publicized 1999 inquiry exposed "institutional racism" in London's Metropolitan Police Department, new national procedures have been implemented to increase tolerance and diversity within the country's police forces. According to CRE, the percentage of ethnic minority police officers increased from 2% in 1998/1999 to 3.5% in 2004/2005. However, black people are reportedly over three times more likely to be arrested than whites, and six times more likely to be stopped and searched. In addition, some allege a disproportionate effect of anti-terrorism measures on blacks and other minority groups. According to one study, between 2001 and 2003 the number of white people stopped and searched under the Terrorism Act 2000 increased by 118%, while the increase for blacks was 230%, and for Asians 302%.⁹

France. In keeping with a deeply rooted "Republican Ideal" of equality among its citizens, France does not collect data on its inhabitants' racial or ethnic backgrounds, rejects policies targeted at specific ethnic groups, and forbids businesses to ask for racial or ethnic information from job applicants or employees.¹⁰ France is, however, home to a substantial Afro-descendant population, which one unofficial estimate numbers at approximately 1.8

⁷ "Employment and Ethnicity," Commission for Racial Equality Factfile 1, April 2006. Available at [<http://83.137.212.42/sitearchive/cre/research/factfiles.html>].

⁸ See "A lot done, a lot to do: Our vision for an integrated Britain," Commission for Racial Equality's legacy document, 2007, p. 11; and the European Network Against Racism's 2006 Shadow Report, "Racism in the United Kingdom."

⁹ Open Society Institute, "Overview: Muslims in the UK — Policies for Engaged Citizens," November 2004.

¹⁰ For more information on France's "Republican Ideal" and "race-neutral" integration policies see CRS Report RL33166 *Muslims in Europe: Integration in Select European Countries*, coordinated by Paul Gallis.

million people above the age of 18, or about 3.8% of the total population. The same study estimates that 81% of these individuals are French citizens.¹¹

Like the UK, since the 1970s, France has enacted what is generally considered a comprehensive body of law prohibiting racial discrimination and race-based violence and hate-crimes, with some of the most stringent penalties in Europe.¹² Nonetheless, studies conducted by non-governmental entities suggest that blacks in France face racial discrimination in a variety of areas. In January 2007, in what was reportedly the first ever survey of French blacks, 56% of blacks said they faced racial discrimination in their daily lives, and 61% said they had faced at least one incident of racial discrimination in the past year.¹³ In addition, a 2006 survey reportedly found that one in three French citizens described themselves as “a bit” or “somewhat racist.”¹⁴ The EU’s Agency for Fundamental Rights and France’s High Authority for the Fight Against Discrimination and for Equality (HALDE) each report that racial discrimination continues to inhibit blacks’ access to employment and housing, among other areas. A 2006 study concluded that in four out of five cases a job candidate with a “French” name was preferred to an applicant with a name that suggested Maghrebian or black African origin. In a 2006 investigation into discrimination in the housing sector, HALDE found that out of a pool of equally qualified candidates, 22% of black applicants were offered housing compared to 75% of white candidates.¹⁵

In 2005, rioting in the suburbs of many of France’s major cities drew national and international attention to the existence of what many consider “parallel societies” of predominantly North African immigrants and their descendants, cut off from most of the opportunities afforded other French citizens. The inhabitants of these working class neighborhoods generally suffer high levels of unemployment and low levels of educational achievement.¹⁶ France’s President Nicolas Sarkozy was elected in May 2007 promising to address these disparities by taking a hard line on illegal immigration and by redoubling efforts to better integrate ethnic minorities — particularly those of North African descent. Sarkozy, who as Interior Minister during the 2005 riots famously referred to rioters as “scum” who should be “washed away with a power hose,” has offered strong rhetoric on the need for those of foreign descent to respect the law, learn the French language, and adopt French cultural norms.¹⁷ However, he has also signaled a willingness to pursue a policy of “positive discrimination” to assist the economically disadvantaged. Sarkozy has rejected targeting minority ethnic groups with such policies. Nonetheless, his support for “positive

¹¹ TNS Sofres, “Les Discriminations à l’encontre des populations noires de France,” January 31, 2007, pp. 12 and 25. Available at [http://www.tns-sofres.com/etudes/pol/310107_cran.pdf].

¹² For more detailed information see The Law Library of Congress’ April 2008 Report, “Immigration And Discrimination Law.”

¹³ “Les Discriminations à l’encontre des populations noires de France,” op. cit.; and “French blacks release first ever racism survey,” Agence France Presse, January 31, 2007.

¹⁴ “Survey – Blacks in France Say They Face Racial Discrimination,” US Fed News, February 5, 2007.

¹⁵ *Report on Racism and Xenophobia in the Member States of the EU*, op. cit., pp. 58 & 86.

¹⁶ Unlike the United States, suburbs of large French cities are usually overwhelmingly made up of ethnic minorities.

¹⁷ See CRS Report RL33957 *Elections in France, 2007*, by Paul Gallis.

discrimination” may signal an acknowledgment of shortcomings with France’s traditional “color-blind” approach to integration.

On June 1, 2007, Sarkozy created a new Ministry of Immigration, Integration, National Identity, and Co-development responsible for implementing more stringent immigration policies and a set of initiatives aimed at “revitalizing the suburbs” and better integrating their inhabitants. The Sarkozy government has since introduced a series of stricter immigration policies. However, despite the president’s strong rhetoric, it has yet to implement a comprehensive integration plan. In February 2008, the government did release the outlines of “A New Policy for the Suburbs” (*Une Nouvelle Politique Pour Les Banlieues*).¹⁸ The February plan identifies initiatives in the following five policy areas: (1) Boosting equal opportunity by providing 100,000 new jobs in the coming three years through civil service recruitment and private sector job training; (2) Improving access to education through the creation of “second chance schools” and boarding schools for bright pupils from disadvantaged areas; (3) Improving security through deployment of 4,000 additional law enforcement personnel; (4) Improving access to public transportation with a \$750 million (500 million euro) investment in bus and light rail lines; and (5) Conducting an in-depth assessment of housing quality in economically impoverished suburbs.

The Netherlands. According to the Dutch Office of Statistics, in 2006, the Netherlands was home to about 844,800 first and second-generation migrants from Africa and from Caribbean countries with majority black populations. The largest single group of Afro-descendants comes from Suriname (331,890), followed by Morocco (323,239), and the Netherlands Antilles (129,683).¹⁹ Together these and other Afro-descendants represent about 5% of the total population. People from the Dutch colonies of Suriname and the Netherlands Antilles began migrating to the Netherlands after being granted Dutch citizenship in 1954. A later wave of migrants came from Suriname before Surinamese independence in 1975, and migration from both countries continues today. Moroccan laborers began migrating to the Netherlands in the 1960s.

Observers report that until the 1980s, the Dutch government took limited action to prevent racial discrimination and racist violence. However, since the 1980s, the Netherlands has reportedly been among one of Europe’s most active countries in seeking to build an institutional structure to fight racial discrimination and racist violence. In 1983, after recurring episodes of racial violence in the 1960s and 1970s, the Netherlands rewrote its constitution to incorporate a first article banning discrimination, and began implementing limited affirmative action policies to assist some ethnic minority groups.²⁰ Since 1985, a National Bureau Against Racial Discrimination (LBR) — recently renamed “Article 1” — has taken on a role similar to the UK’s Commission for Racial Equality. “Article 1” consists of a national bureau, which coordinates a group of regional and local anti-discrimination offices. In addition to recording and monitoring discrimination and seeking to influence the national legislative and policymaking process, “Article 1” supports local initiatives through

¹⁸ “Hope for the Suburbs,” and “Une Nouvelle Politique Pour Les Banlieues,” both provided by the French Embassy to the United States, February 2008.

¹⁹ Suriname is an ethnically diverse country, home to descendants of West African slaves, contract laborers from India and the Dutch east Indies, and indigenous tribes, among other groups. For the purposes of this memorandum, because of the prevalence of West African slave descendants in Suriname, Surinamese descendants in the Netherlands are considered Afro-descendant.

²⁰ Bleich, *Race Politics in Britain and France* op. cit., pp. 201-202.

its satellite offices. Some critics, including the European Network Against Racism, assert that Article 1's annual budget of about \$9 million (6 million euros) is about half of what it needs to fulfill its mandate.²¹

Dutch decisions to gather racial data and implement programs targeting members of specific ethnic groups are not without controversy. For example, in March 2008, the Open Society Institute's Justice Initiative voiced its opposition to a government-compiled database known as the "reference Index of Antilleans." The Dutch government reportedly intends to use the database to design policies aimed at assisting what it sees as "at risk" Antillean and Aruban youths. However, the Justice Initiative contends that gathering data to profile people on racial or ethnic lines is a violation of European and international law against racial discrimination. A legal challenge to the database is being considered by the Dutch Council of State.²²

ENAR, the EU's Agency for Fundamental Rights, and the National Bureau Article 1 each monitor trends in racial discrimination and racist violence in the Netherlands. According to ENAR, a 2006 survey indicated that over half of Moroccan-descendants reported encountering racial discrimination during the previous year. The percentage of Surinamese saying they experience discrimination was 40%, and Antilleans 37%.²³ In 2006, the unemployment rate among Moroccan descendants was reportedly the highest for "non-western" immigrants, at 20% compared to 4.3% for the "native" Dutch population.

Spain. According to Spain's National Statistics Institute, approximately 860,200 people born in Africa currently reside in Spain, representing just under 2% of the total population. This includes both Spanish and non-Spanish citizens and close to 700,000 individuals from North Africa (primarily Morocco and Algeria). It does not include blacks born in Spain or undocumented immigrants. In contrast to the UK, France, and the Netherlands, Spain has only begun to experience significant immigration over the past 10 to 15 years, a time of rapid economic growth in the country. However, by all accounts, the Spanish government and Spanish society at large have made limited progress in combating racial discrimination and violence, or in helping African and other immigrant groups integrate into society.

March 11, 2004 terrorist attacks in Madrid threw into sharp relief the issue of the integration of Muslims into Spanish society.²⁴ Since then, in what was considered a first step toward integrating Muslim and other immigrants into society, the Spanish government has moved to legalize nearly 700,00 undocumented immigrants working in Spain, including over 85,000 Moroccans.²⁵ Nonetheless, the European Network Against Racism (ENAR) and the

²¹ ENAR Shadow Report 2006, "Racism in the Netherlands."

²² See "Justice Initiative Finds Racial Discrimination in Dutch Database," the Justice Initiative news release, March 21, 2008. Available at [http://www.justiceinitiative.org/db/resource2?res_id=104056]

²³ "Racism in the Netherlands," op. cit.

²⁴ During the morning rush hour of March 11, 2004, bombs exploded on four trains on a Madrid commuter rail line, killing 192 persons and wounding 1,800. The Al-Qaeda-linked Moroccan Islamic Combatant Group was implicated in the attacks.

²⁵ Critics of this decision allege that it has encouraged further illegal immigration to Spain as evidenced by the October 2005 storming of border fences, by mostly sub-Saharan immigrants, (continued...)

EU's Agency for Fundamental Rights (FRA) allege that Spain has been slow to make the institutional changes necessary to ensure these immigrants are protected from discrimination and racist attacks. Although reports of racist violence are infrequent, unlike their counterparts in some other EU member states, Spanish authorities do specifically track such incidents. Anti-immigrant riots aimed at Moroccans in 2000 and 2002, and more recent reports of racism within the Spanish police force have prompted immigrant advocates to call for more vigilance in preventing and prosecuting racist violence.²⁶

The extent of racial discrimination faced by African and other immigrants in the education, housing, employment, and other sectors is unclear. However, a 2006 investigation reportedly found that 72% of Africans faced prejudiced reactions when seeking housing.²⁷ In what some consider a further indication of Madrid's limited progress, Spain is reportedly the only EU member state not to have an operational body designated to monitor the equal treatment of its citizens as required by the EU's 2000 Racial Equality Directive.²⁸

The EU. European Union efforts to combat racism began in the mid-1990s and have centered primarily on increasing awareness about racism through information gathering and dissemination and, more recently, on advancing EU-wide legislation against racial discrimination. Since 1997, the EU's Monitoring Center on Racism and Xenophobia and its successor organization, the Agency for Fundamental Rights (FRA), have monitored and reported on racism and discrimination throughout the EU. The FRA has also focused on tracking member states' progress in implementing the EU's landmark Racial Equality Directive of 2000. The Racial Equality Directive mandates that member states enact national laws guaranteeing equal access for all persons to employment, housing, education, and healthcare and other welfare state benefits. The law has at least been nominally adopted by all member states. However, implementation and enforcement levels reportedly vary widely, with some member states — the UK and France among them — considered further along than others, such as Spain. The FRA also funds a number of national and European advocacy groups dedicated to fighting racial discrimination.

In its 2007 *Report on Racism and Xenophobia*, the FRA draws attention to EU-wide trends in racial discrimination and violence. As mentioned above, the FRA identifies cases of persistent racism throughout the EU. However, it emphasizes that a lack of complete and comparable data, both on discrimination and racist violence, makes it difficult to draw definitive EU-wide conclusions. In this sense, it appears that the existence of sometimes drastically different national policy approaches to tracking and combating racism, such as in France and the UK, may hinder the FRA's ability to draw conclusions about European trends.

²⁵ (...continued)

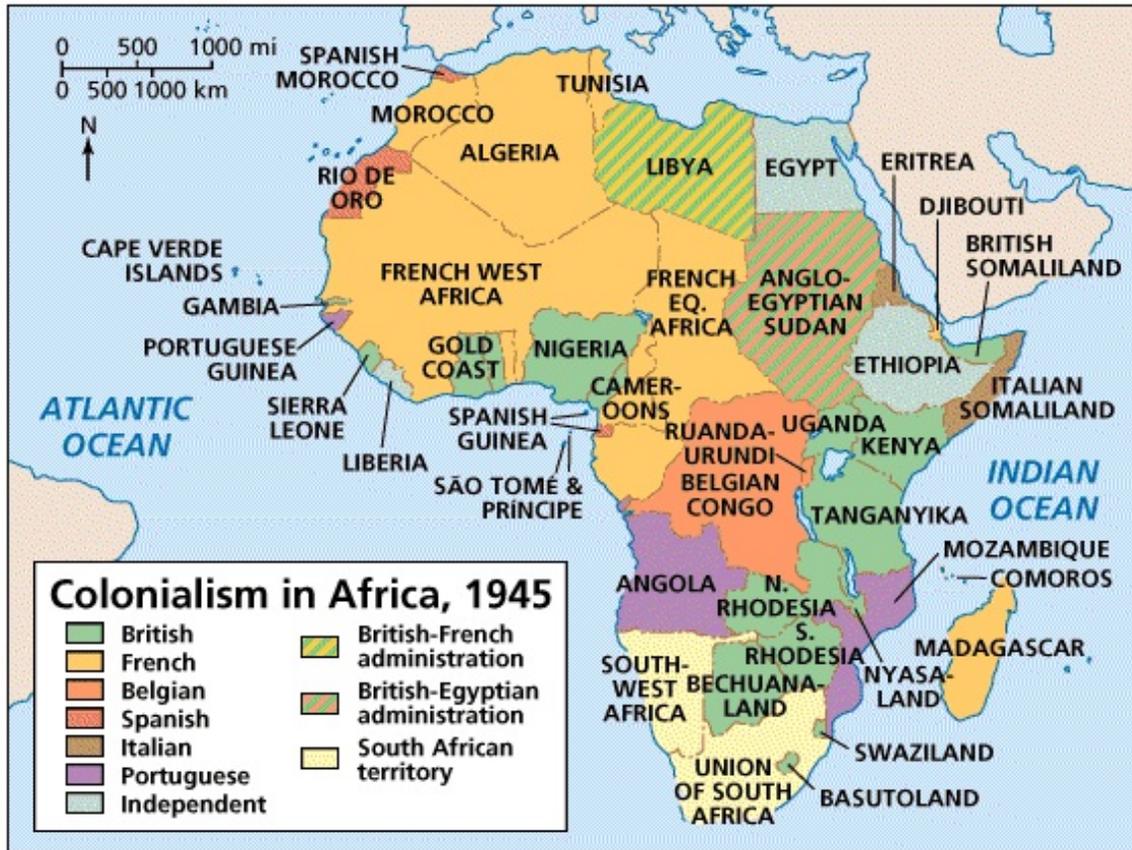
around the Spanish enclaves of Ceuta and Mellila in mainland Morocco. The incident resulted in the death of 14 immigrants, some of them shot dead, reportedly by Moroccan police.

²⁶ ENAR Shadow Report 2006, "Racism in Spain."

²⁷ *Report on Racism and Xenophobia in the Member States of the EU*, op. cit., p. 85.

²⁸ The Spanish government has officially established a Council for Promotion of Equal Treatment and Non-Discrimination of People on the Grounds of Racial or Ethnic Origin, but it is not yet operational.

Appendix. Map — Colonialism in Africa, 1945



Source: Holt, Rinehart and Winston