

# The State of Anti-Racism in the EU and Germany

## NAPAR Implementation and Legal Frameworks

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DAAD working group on anti-Asian racism

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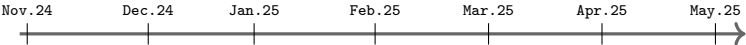
## Today's focus: Unpacking the EU's Anti-Racism Plan

- ★ What prompted the EU to adopt its first Anti-Racism Action Plan in 2020, and how have Member States implemented its own plan up to now?
- ★ How has anti-Asian racism been handled in European and German action plan?
- ★ What are the current situations and limitations in Germany's action plan against racism and its legal framework for racial discrimination?

- ① AVE's Key Activities on NAPAR as a Civil Consultant
- ② National Action Plan Against Racism (NAPAR) at the EU-level
- ③ Good Practices of NAPAR at the National Level
- ④ NAPARs in Germany
- ⑤ Legal Framework on Racism in Germany

# AVE's Key Activities after Nov.2024

① Policy Advocacy ●



② Legal Reviews ●

③ Operation ●

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① Policy Advocacy ●

the 8th NAPAR Consultation

Nov. 24

Dec. 24

Jan. 25

Feb. 25

Mar. 25

Apr. 25

May. 25

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② Legal Review

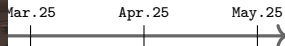
③ Operation



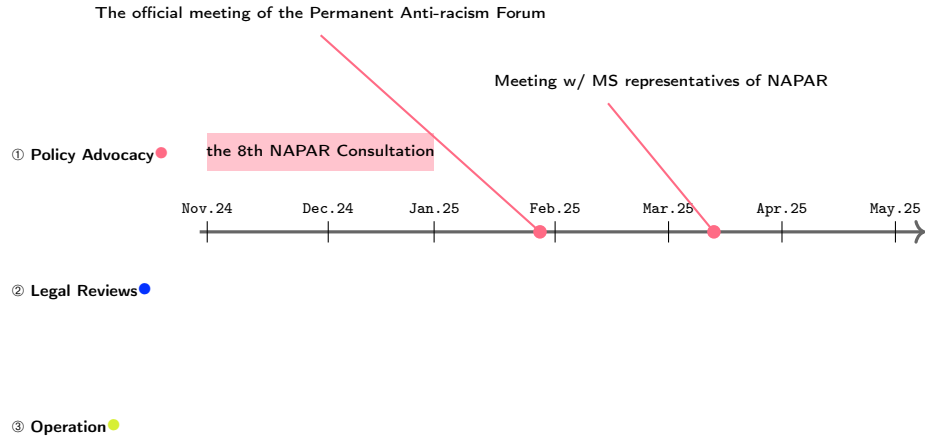
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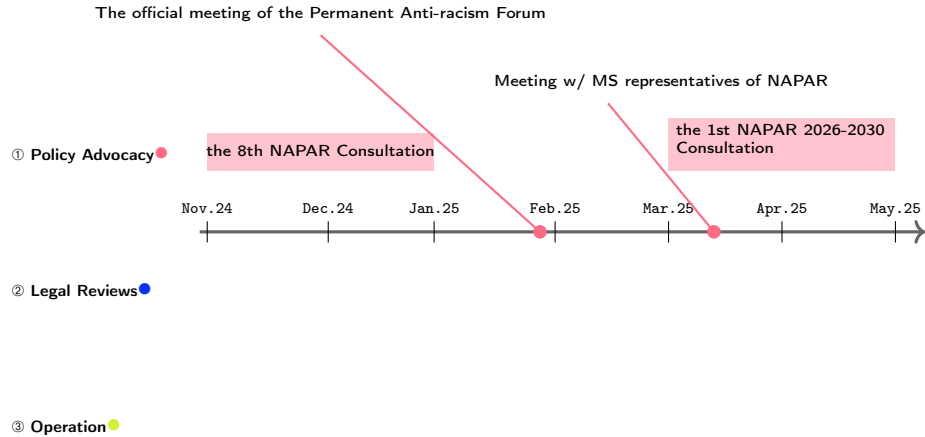
③ Operation ●

Meeting w/ MS representatives of NAPAR

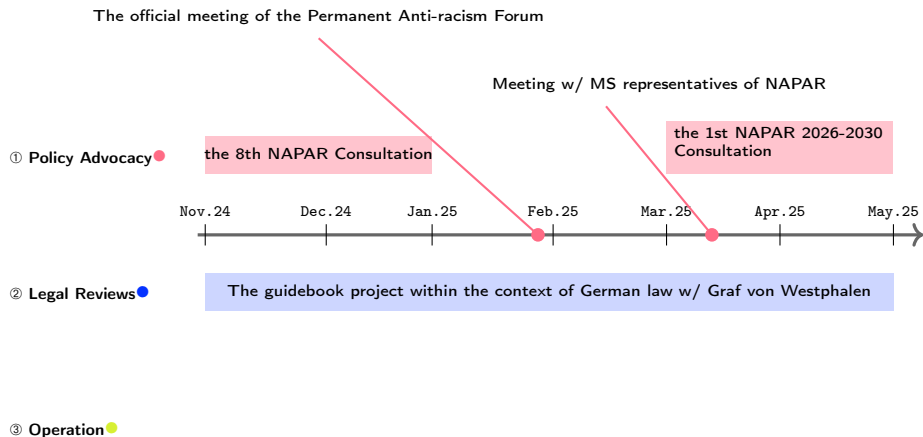


May. 25

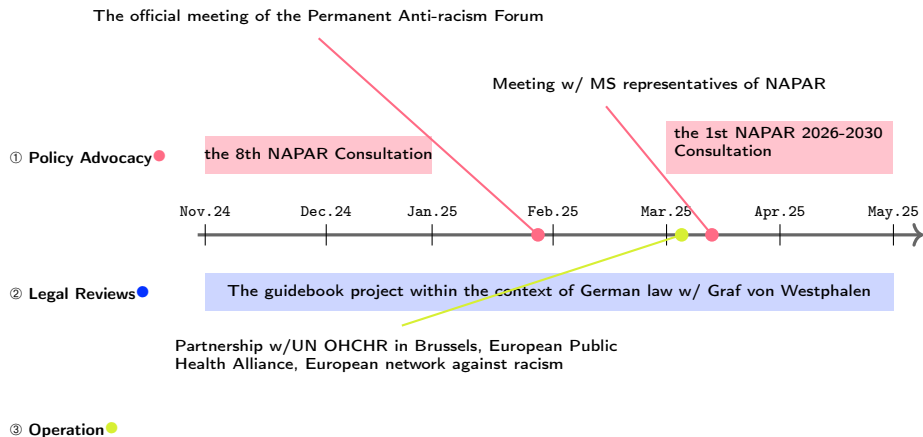
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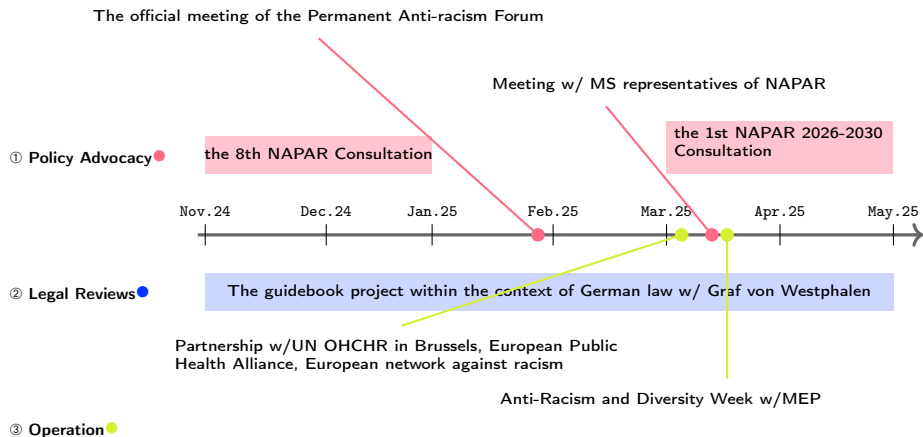
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The official meeting of the Permanent Anti-racism Forum

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the 8th NAPAR Consultation

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## ② Legal Reviews ●

The guidebook project within the

Partnership w/UN OHCHR in Brussels, Health Alliance, European network again

## ③ Operation ●

Meeting w/ MS representatives of NAPAR

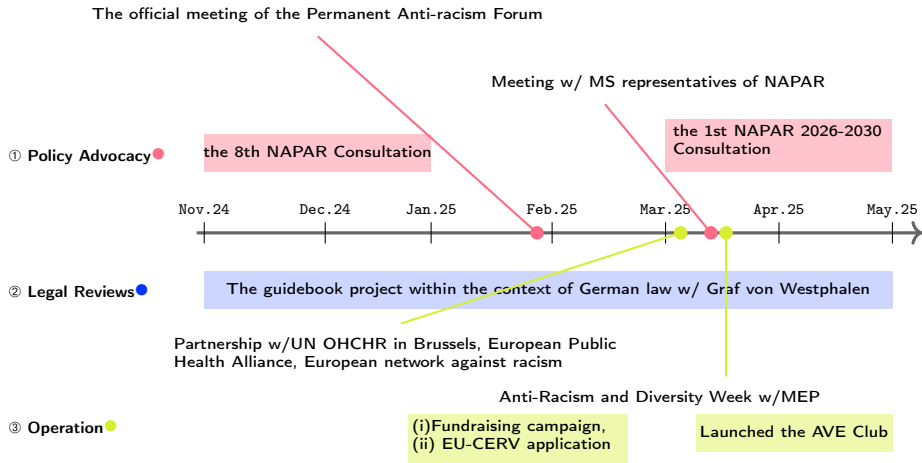


Anti-Racism and Diversity Week w/MEP

30

May. 25

# AVE's Key Activities after Nov.2024



# Roadmap

- 1 AVE's Key Activities on NAPAR as a Civil Consultant
- 2 National Action Plan Against Racism (NAPAR) at the EU-level
- 3 Good Practices of NAPAR at the National Level
- 4 NAPARs in Germany
- 5 Legal Framework on Racism in Germany



① AVE's Key Activities on NAPAR as a Civil Consultant

② **National Action Plan Against Racism (NAPAR) at the EU-level**

③ Good Practices of NAPAR at the National Level

④ NAPARs in Germany

⑤ Legal Framework on Racism in Germany

# What is NAPAR?

- ★ The National Action Plan against Racism (NAPAR) 2020–2025 was adopted in response to structural racism as [the first](#) comprehensive action plan at [the EU level](#).



Structural racism persists in our societies. Discrimination on the basis of race or ethnic origin – as well as religion or belief – remains widespread, as shown in numerous reports. [...] [It is not enough to be against racism. We need to talk about racism. We have to be active against it.](#) (European Commission 2020b: 1,16, 19)

The fight against racism must be **mainstreamed**: racism and racial discrimination must be tackled at **all levels of governance**, and across all policies. (European Commission 2020a: 18)

- ★ Promote anti-discrimination, equality, diversity, and pluralism.
- ★ Address the history of colonization and structural racism.
- ★ Law enforcement (e.g., racial profiling, excessive force), employment, housing, education, healthcare care.

# Key Components of NAPAR

Based on the Guiding Principles by [European Commission \(2022\)](#), tackling racism should be approached through the following sectors:



EU legal framework



Extremism and hate speech



Fair policing and protection



Better data collection



Education and remembrance



Diversity in the EU



Economy, employment, housing, healthcare

## Member States with NAPAR

- ★ The plan called on all EU Member States to **develop dedicated NAPARs** by **the end of 2022**.

The Directive requires all Member States to **designate a body** to provide independent assistance to victims of discrimination, promote equality, conduct independent surveys, and issue independent reports and recommendations.

## Current situation of implementation of NAPAR in Member States

Several member states are developing their own NAPAR or have integrated anti-racism measures in broader strategies ([European Commission 2024](#)):

- ★ **11** Member States adopted their own NAPARs with an independent body  
I.e., Belgium, **Germany**, Ireland, Greece, Spain, France, Latvia, Malta, Portugal, Finland and Sweden.
- ★ Currently, other member states have **integrated** anti-racism measures in other national action plans, e.g., on human rights or social integration.  
I.e., Czechia, Denmark, Estonia, Croatia, Lithuania, Luxemburg, Hungary, Austria, Romania, and Slovakia.
- ★ Denmark, Italy, Luxemburg, Hungary and Austria are **preparing** NAPARs. <sup>1</sup>

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<sup>1</sup>Bulgaria, Cyprus, the Netherlands, Poland, and Slovenia have not integrated one yet.

## Major challenges (European Commission 2025)

- ★ Most NAPARs in member states **lack dedicated funding** or implementation depends on individual ministries or project-based financing.
- ★ Data on racial or ethnic origin is **scarce** or **inconsistently collected**.
- Collecting data on race or ethnicity, gender, and similar categories **is not** prohibited under the **Art. 5 GDPR Principles relating to processing of personal data**.
- ★ **Limited CSO involvement** i.e. uneven representation, lack of racialized (or affected) communities
- ★ **Divergent** definitions and **fragmented** efforts against structural racism and intersectional discrimination. I.e., The understanding of structural racism **varies widely** and many member states **avoid** the term or address it **superficially**.
- ★ **Intersectionality** rarely applied in general and often applies to gender (even mostly dismiss NBGD), not race/ethnicity plus gender/immigration.

# Anti-Asian Racism in NAPAR

★ No specific unit or dedicated plan for anti-Asian racism at the EU level so far.

TOPIC	QUESTION	Y/N	DETAILS	Y/N
<b>Comprehensive scope of a NAPAR</b>	Does the NAPAR use or refer to existing definitions of different manifestations of racism?  If no definitions are available in national law, does the NAPAR provide for this?		<i>Please provide a reference for, and a translation of, the definitions used or to which reference is made.</i>	
			<i>Please indicate Y/N for each as listed below and provide the definition, if available, on:</i>	
			• racism Y/N	
			• racial/ethnic discrimination Y/N	
			• multiple discrimination Y/N	
			• intersectional discrimination Y/N	
			• unconscious bias and stereotypes Y/N	
			• structural racism Y/N	
			• institutional racism Y/N	
			• bias-motivated harassment Y/N	
			• hate crime Y/N	
			• hate speech Y/N	
			• other (please indicate) Y/N	
	Does the NAPAR address racism against different people/groups?		<i>Please indicate Y/N for each of the categories listed below:</i>	
			• anti-black racism Y/N	
			• anti-Gypsyism Y/N	
			• anti-Semitism Y/N	
			• anti-Muslim racism Y/N	
			• anti-migrant racism Y/N	
			• anti-Asian racism Y/N	
			• other (please indicate) Y/N	

Figure 1: An Example of monitoring lists of NAPAR (European Commission 2022)



# Anti-Asian Racism in NAPAR

- ★ EU-level surveys or data collection on AAR (e.g., European Union Agency for Fundamental Rights, European Values Study (EVS), European Social Survey (ESS), Eurobarometer) are either nonexistent or scarce.<sup>2</sup>
- ★ Engagement with civil society organizations is not adequately facilitated.

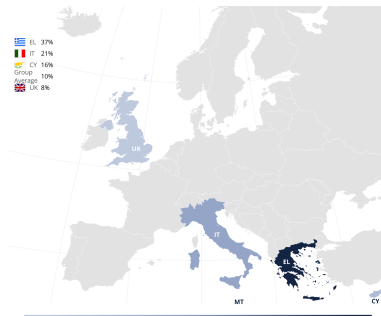


Figure 2: FRA's Survey on Minorities and Discrimination in EU - (South-)Asian Group

<sup>2</sup>cf. See the FRA's report on anti-black racism *Being Black in the EU* report in Oct. 2023

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- ★ Finnish Government (2024) includes Comprehensive policy integration with national basis policies
- ★ Government commitment: emphasis on proactive measures to combat racism and promote equality across sectors including civil societies
- ★ Public awareness campaign to educate the public on issues of racism
- ★ Established of bodies to assist victims and significant budget planning



## A New Boost for Equality in Finland

Government action plan to combat racism and promote equality

PUBLICATIONS OF THE FINNISH GOVERNMENT  
2024/43



**Figure 3:** Finnish Government (2024)  
**A New Boost for Equality in Finland:**  
Government action plan to combat racism and promote equality

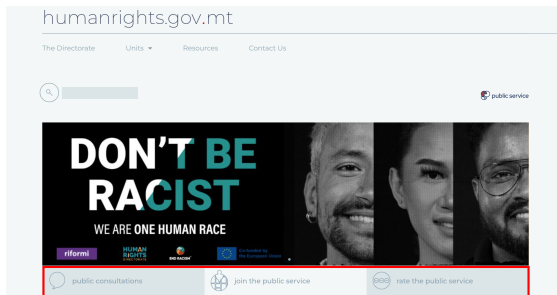


Figure 4: Human Rights Directorate; Government of Malta

- ★ Alignment within EU framework and adopt comprehensive approach since 2021.
- ★ **Anti-Racism Platform**: creating a **civil society-led platform** to foster trust between communities and public authorities.
- ★ **Community policing**: establishing units that engage with diverse communities to build trust and address local issues collaboratively.

## NAPAR in Italy (an Interesting Case)

- ★ Three cities (i.e. Bologna, Turin, and Milan) have each adopted their own versions of a NAPAR
- ★ These cities are collectively calling on the national government to implement a NAPAR at the national law.

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# NAPARs in Germany: Status quo

- ★ In Germany, NAPAR is coordinated by the designated body „Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration (IB) “(or **the Federal Government Commissioner for Migration, Refugees, and Integration**), who also serves as the Federal Commissioner for Anti-Racism.

Antidiskriminierungsstelle des Bundes

Kontakt Presse English العربية | Leichte Sprache Gebärdensprache

Über Diskriminierung Wir beraten Sie Was wir machen Über uns

Über Diskriminierung > Diskriminierungsmerkmale > Ethnische Herkunft / Rassismus / Antisemitismus

**Ethnische Herkunft / Rassismus und Antisemitismus**

Regelmäßig machen Anfragen zur Diskriminierung aus rassistischen oder antisemitischen Gründen oder wegen der ethnischen Herkunft bei den Beratungsanfragen an die Antidiskriminierungsstelle des Bundes den größten Anteil aus.

Dieser Artikel steht in alternativen Fassungen zur Verfügung:

Gebärdensprache Leichte Sprache

# The First Data-Backed Federal Assessment of Racism in Germany

- ★ The report in Figure 5 emphasizes the necessity for a comprehensive approach to address both **individual and systemic racism** within institutions and societal structures, affecting areas such as policing, education, employment, public administration, political representation, healthcare, housing, and sports.
- ★ Stresses importance of ensuring that Germany's security authorities **systematically record racist crimes and consistently prosecute** and penalize those responsible.



Figure 5: Federal Government Commissioner for Anti-Racism (2023) Racism in Germany: current situation, fields of action, measures

## Inadequacy of the data available

Civil-society counselling and monitoring bodies are making efforts to achieve uniform data collection and systematic documentation of counselling cases relating to experiences of racism. [...] In general terms, the development of and research into standards for the collection of racism data in Germany are an emerging field; currently, there is no standardized methodology. Federal Government Commissioner for Anti-Racism (2023: 23)



# Data Collection in DeZIM

- ★ Deutsches Zentrum für Integrations und Migrationsforschung (DeZIM) (2023a) conducted longitudinal mix-method online survey, targeting adults aged 18 to 73 residing in Germany through *NaDiRa.panel*, including 9,500 participants in total.
- ★ Onomastic Preclassification: the approximate onomastic method (Humpert and Schneiderheinze 2000) was used in the NaDiRa panel.
  - The possible regional or linguistic origin of the individuals sampled is inferred based on their names.
  - Rather a purely sample-based preclassification that significantly increases the probability of selecting individuals of targeted group.
  - The survey was then field-managed to ensure that a predetermined, sufficient number of interviews were conducted for each racialized group.

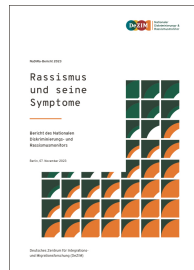
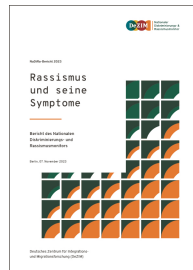


Figure 6: DeZIM (2023) Bericht des Nationalen Diskriminierungs- und Rassismusbüros

- ★ Use of **Proxy Indicators**: Instead of directly inquiring about race or ethnicity, DeZIM utilizes proxy indicators such as country of birth of the respondent and their parents, nationality, language spoken at home and religious affiliation.
- ★ **Self-Identification**: Participants are encouraged to self-identify their perceived group affiliations. Surveys tries to focus on personal experiences of discrimination, capturing the contexts and perceived reasons behind such incidents.



**Figure 7:** DeZIM (2023) Bericht des Nationalen Diskriminierungs- und Rassismomonitors

# Challenges in Germany's National Action Plan

- ★ Antidiskriminierungsstelle des Bundes (ADS; The Federal Anti-Discrimination Agency) (2024) calls for more comprehensive **data collection and structural analysis** regarding racism, highlighting a **lack of inclusion** in broader research frameworks.
- ★ Detailed problem framing but **limited new actions** towards **policies** (or **measures**)



Figure 8: ADS (2024) Discrimination in Germany: Findings and Recommendations

*„Ein Ziel des Berichts ist es, Lücken im Diskriminierungsschutz zu identifizieren und aufzuzeigen, wie sie geschlossen werden können. Aus diesem Grund geht er auch auf Diskriminierungserfahrungen außerhalb des Schutzzumfangs des AGG ein.“*

[...] One of the aims of the report is to identify gaps in protection against discrimination and to show how they can be effectively addressed. For this reason, it also addresses experiences of discrimination that **fall outside the scope of the General Equal Treatment Act (AGG)**.  
Antidiskriminierungsstelle des Bundes (2024: 10)

# Focus on Anti-Asian Racism (AAR) in Germany

- ★ AAR was recognized for the first time in 2023.
- ★ Acknowledged certain stereotypes and forms of discrimination faced by people perceived as Asian diasporas
- ★ An attempt to figure out the manifestation of AAR
  - The surge in anti-Asian violence/harassment during COVID-19, including the use of racialized narratives around hygiene and virus origin.
  - Gendered Racism: noting that Asian men are desexualized while Asian women are exoticized and infantilized - drawing attention to intersectional stereotypes.
  - Problematised seemingly-positive stereotyping e.g., “model minority” myth that portrays Asians as problem-free and this myth can be used to downplay racism or pit groups against each other.
- ★ Referred to (*but not engaged with*) grassroots actions such as the ‘Ich bin kein Virus’ platform to address AAR.
- ★ Continued lack of structural measures and dedicated monitoring or policy instruments despite increased visibility post-COVID.

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## Definition of Racism

- ★ No official legal definition.
- ★ Dictionary defines racism as an ideological belief in the superiority/inferiority of biological groups, justifying colonialism or discrimination.
- ★ Practical use in law includes biological and cultural markers of exclusion and inequality.

# Legal Framework on Racism in Germany

## Legal Recourse & Protection

- ★ Self-defense is legally allowed against physical or verbal racist attacks. The response must be proportionate to the threat.
- ★ Verbal confrontation (e.g., calling the person “racist”) *may be* legal if defending against ongoing racist behavior.
- Risk of insult charges under criminal or civil law if the accusation is unjustified.

## Social Media & Privacy Concerns

- ★ Video recording of racist incidents is generally allowed for documentation.
- Publishing videos or photos of racist incidents without consent is usually illegal, unless taken at public events. Anonymous or public shaming carries legal risks - possible civil claims, defamation, and privacy violations because publishing identifiable information must be balanced against public interest

## Reporting and Institutional Support

- ★ Police and prosecutors can act on criminal complaints or disturbances to public order.
- ★ Assistance in English is not a legal right for victims but often informally possible.
- ★ Employers must protect employees from racism, even if not criminal. Racist incidents can justify dismissal without notice for perpetrators. Property owners do not have a legal obligation to prevent third-party racist incidents unless there's a formal relationship (e.g. workplace or school).
- ★ Trusted contacts include: Federal Anti-Discrimination Agency, HateAid, Local agencies like AMKA in Frankfurt





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# AVE club



Together, we are stronger. We need you.

# Thank you!

We would like to express our deepest gratitude to all volunteers and supporters of AVE.

[asianvoiceseurope@gmail.com](mailto:asianvoiceseurope@gmail.com)

# References

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