

(English version)

**Question for written answer E-002626/24
to the Commission
Tomasz Froelich (ESN)
(21 November 2024)**

Subject: UN CERD's overly broad concept of racial discrimination curtailing freedom of expression in Germany

In 2023, the UN Committee on the Elimination of Racial Discrimination (CERD) published a report on the implementation of and compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in Germany, in which CERD alleges the existence of structural racism in Germany. CERD takes the view that Germany's colonial past fuels racial discrimination and racial inequality. It recommends that Germany should combat structural racial discrimination and acknowledge that colonialism and slavery are its root causes.

CERD further states that Germany is failing to combat structural discrimination against Muslims. It recommends that Germany should consider appointing a federal commissioner for combating racism against Muslims ⁽¹⁾.

With its broad definition of 'racial discrimination', CERD is placing ever-greater restrictions on freedom of expression. For example, CERD qualified statements by Thilo Sarrazin, author and former SPD politician, as 'racist ideas', while the German public prosecutor and the then federal government described them as 'free expression' ⁽²⁾.

1. What view does the Commission take of CERD's allegations and recommendations in the light of its rule of law reports on Germany?
2. Does the Commission believe that CERD's overly broad concept of racial discrimination and its recommendations give rise to restrictions on freedom of expression?

Submitted: 21.11.2024

**Answer given by Ms Lahbib on behalf of the European Commission
(10 March 2025)**

The European Union is built on the principles of equality and non-discrimination as enshrined in Article 2 of the Treaty on the European Union. Specific legislation was adopted to protect people from discrimination on the grounds of racial or ethnic origin ⁽¹⁾.

The Commission put into place an EU Anti-racism action plan 2020-2025 ⁽²⁾ to take concrete steps to combat racism to strengthen the Union of Equality.

The action plan recalls that racism is often deeply embedded in the EU societies' history, intertwined with its cultural roots and norms. It recognises that racism comes in different forms, including individual racism, racial discrimination and structural racism.

The fight against racism and discrimination on any grounds is a fundamental objective of the EU's human rights agenda in external relations.

This is reflected in relevant EU international agreements and external action policy documents, including the EU action plan on human rights and democracy 2020-2027 ⁽³⁾.

The International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) is central to the EU's fight against racism, in the cooperation and political dialogues with partner countries, as well as with regional and international organisations.

As regards recommendations addressed by the United National Committee on the Elimination of Racial Discrimination to specific State Parties of the ICERD, it is not within the mandate of the Commission to assess the compliance with these recommendations by Member States.

¹ CERD/C/DEU/CO/23-26: Concluding observations on the combined twenty-third to twenty-sixth reports of Germany, paragraphs 19, 20, 29, 30 and 35

² CERD Communication No 48/2010, on statements by Thilo Sarrazin, adopted at the meeting of 11 February to 8 March 2013

⁽¹⁾ Article 2 II, Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32000L0043>

⁽²⁾ https://commission.europa.eu/document/download/beb25da4-e6b9-459e-89f7-bcd3a8f0c8_en?filename=a_union_of_equality_eu_action_plan_against_racism_2020_-2025_en.pdf

⁽³⁾ https://www.eeas.europa.eu/sites/default/files/documents/2024/Action-Plan-EN_2020-2027.pdf

As regards racial discrimination, the Racial Equality Directive indicates that there shall be no direct or indirect discrimination based on racial or ethnic origin. The Commission works on the basis of the definition enshrined in the *acquis*.
