



PICUM's submission to the European Commission's call for evidence on the EU Anti- Racism Strategy 2026–2030

July 2025

Introduction

The Platform for International Cooperation on Undocumented Migrants (PICUM) was founded in 2001 as an initiative of grassroots organisations. Since then, it has built a comprehensive evidence base regarding the gap between international human rights law and the policies and practices existing at national level. Nowadays it represents a network of 155 member organisations working to promote social justice and human rights of undocumented migrants in 34 countries. With two decades of evidence, experience and expertise on undocumented migrants, PICUM promotes recognition of their fundamental rights, providing an essential link between local realities and the debates at policy level.

PICUM welcomes the opportunity to provide input to the European Commission's call for evidence on the EU Anti-Racism Strategy¹. Drawing upon the report "[Exclusion by design: Unveiling unequal treatment and racial inequalities in migration policies](#)" and on PICUM's previous [submission to the European Commission's call for evidence on the EU Anti-Racism Action Plan](#) (ARAP), this contribution first shows how the EU's existing legal and policy frameworks fuel racial inequalities. Secondly, it presents recommendations to ensure that the upcoming 2026-2030 EU Anti-Racism Strategy reflects the realities faced by racialised undocumented people across Europe.

Background

Racist narratives, anti-migrant sentiment and racial profiling across the EU

Across Europe, racist narratives and anti-migrant sentiment have been on the rise, fuelled by political rhetoric, disinformation and securitised migration policies. The EU Agency for Fundamental Rights (FRA) has documented widespread and persistent racial discrimination specifically in the recent reports on racism against people of African descent² and against Muslim people³, where more than half of the respondents reported experiencing racial discrimination in areas such as employment,

housing, and policing. These trends are reinforced by far right and negative media depictions that portray migrants as cultural and security threats, contributing to a normalisation of xenophobia in political discourses⁴.

Moreover, racial profiling⁵ is also on the rise at the EU's external and internal borders, but also in people's daily life, whether undocumented or not.⁶ The FRA has documented extensively the

1 Find here the [call for evidence on the EU Anti-Racism Strategy](#).

2 FRA (2023). [Being Black in the EU – Experiences of people of African descent](#).

3 FRA (2024). [Being Muslim in the EU - Experiences of Muslims](#).

4 On the normalisation of racism in political discourses see: Krzyżanowski, M. (2020). [Discursive shifts and the normalisation of racism: imaginaries of immigration, moral panics and the discourse of contemporary right-wing populism](#). *Social Semiotics*, 30(4), 503–527.

5 Racial profiling is a specific form of racial discrimination, which the Council of Europe European Commission against Racism and Intolerance (ECRI) [General Policy Recommendation n°11](#) defines as "use by the police, with no objective or reasonable justification, of grounds such as 'race', colour, language, religion, citizenship or national or ethnic origin in control, surveillance or investigation activities".

6 PICUM (2024). [Exclusion by design: Unveiling unequal treatment and racial inequalities in migration policies](#)

disproportionate police stops which people from ethnic minority backgrounds are subject to.⁷ In one report, the FRA shows how 34% of people from ethnic minorities are being asked for their identity documents or searched, compared to 14% of the general population⁸. Moreover, only 46% of ethnic minority individuals perceived they were treated respectfully by the police during their stop, compared to 80% of the general population⁹.

There have also been some encouraging advancements in European case law concerning racial profiling. In particular, in the recent ruling on the case *Seydi and Others v. France*, the European Court of Human Rights (ECtHR) condemned France for conducting several discriminatory identity checks against one of the plaintiffs, based only on the physical appearance. Most importantly, the Court established an explicit legal precedent for all Member States by stating that stopping and searching a person based merely on their physical appearance amounts to a "presumption of discriminatory treatment"¹⁰.

When looking at border controls, racial biases in border agents' checks come to the surface. In particular, the FRA found that 79% of border officers (working in five big European international airports) indicated ethnicity as a "helpful indicator" to spot possibly undocumented travellers before interacting with them¹¹.

Civil society organisations have also warned that racialised migrants are increasingly scapegoated in the public sphere, while systemic racism in migration control and law enforcement remains largely unaddressed¹².

In this framework, racialised undocumented individuals are placed in a particularly vulnerable position, due to the lack of access to legal protection, which makes them more often subject to violations of their fundamental rights, including exposure to physical violence, by law enforcement agents¹³.

Link between migration policies and racial discrimination

Migration policies are a key mechanism through which racial inequalities are enacted. The link between racism and migration policies appears clear in the concept of "ethno-nationalism", as presented by Tendayi Achiume, former UN Special Rapporteur on contemporary forms of racism,

racial discrimination, xenophobia and related intolerance¹⁴. Specifically, she underscores the role of "ethno-nationalism" as a driving force behind racial discrimination within citizenship, nationality and immigration laws, policies and practices¹⁵. Ethno-nationalism is rooted in notions of blood ties

7 FRA (2023). [Police stops and minorities: understanding and preventing discriminatory ethnic profiling](#); FRA (2021). [Your Rights Matter: Police Stops. Fundamental Rights Survey](#); FRA (2023). [Being Black in the EU – Experiences of people of African descent](#). FRA (2024) [Being Muslim in the EU - Experiences of Muslims](#).

8 Data retrieved from FRA's news item [Stop discrimination and ethnic profiling in Europe](#) (5 July 2023), which relies on results from the surveys: [Your Rights Matter: Police Stops. Fundamental Rights Survey](#) (2021), [Being Black in the EU](#) (2018), [Second European Union Minorities and Discrimination Survey Muslims – Selected findings](#) (2017).

9 *Idem*.

10 ECtHR, *Seydi and Others v. France* (application no. 35844/17), § 129, 26 June 2025.

11 FRA (2014). [Fundamental rights at airports: border checks at five international airports in the European Union](#).

12 See for instance the publications by the European Network Against Racism (ENAR): ENAR (2016). [Racism and Discrimination in the Context of Migration in Europe](#); ENAR (2017). [Racism plays a key role in migrants' exclusion and violations of rights in the European Union](#);

ECRE (2023). [Mediterranean: Increase of Racist Violence and Scapegoating Against Migrants and Asylum Seekers in Southern Europe, Civilian Rescue Operators Continue to Save Lives Amid Increased Death Toll in Central Med](#)

13 As an example, see the case study presented by Médecins du Monde on Belgium: Médecins du Monde (2018). [Violences Policières Envers les Migrants et les Réfugiés en Transit en Belgique](#).

14 United Nations General Assembly, Human Rights Council, 2018, [Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance](#).

15 *Ibidem*, para 6.

and ethnicity, while often being deeply embedded in laws and policies determining an individual's inclusion and exclusion to/from a community¹⁶. This is true of migration policies in the EU, which build on centuries of colonial relations between EU member states and third countries and are ultimately framed and implemented in ways that perpetuate a cycle of racial discrimination and inequality. Moreover, this intersects with other forms of discrimination, including on the basis of gender, sex, disability, religion or belief, age, social class and sexual orientation¹⁷.

Finally, racism is often treated as a matter of individual behaviour, ignoring the institutional and structural patterns that shape racial inequalities¹⁸. This reductionist framing allows European institutions to uphold a self-image of racial neutrality while perpetuating implicit hierarchies that separate perceived "Europeanness" from "non-Europeanness"¹⁹. The following section illustrates how racial inequalities are concretely reproduced by seemingly "racially-neutral" EU policies.

EU legal and policy frameworks not only fail to address this link, but fuel racial inequalities

The EU has a legal duty to combat racial and ethnic discrimination, established through its Treaties and reinforced by the Charter of Fundamental Rights. The Racial Equality Directive (2000/43/EC)²⁰ is the main tool to promote equal treatment, but it also presents important limitations. For instance, it does not extend protection to differences in treatment arising from immigration law or residence status (Article 3(2))²¹, nor does it apply to acts of discrimination by law and border enforcement authorities, leaving significant gaps in protection precisely where racialised individuals are more vulnerable to violence and abuse. The Directive also includes an exception under Article 3(2), which allows differential treatment based on nationality. The exclusion of nationality from the EU anti-discrimination legal framework creates a significant gap, allowing racial or ethnic discrimination to

be disguised as nationality-based distinctions. In practice, immigration controls often target individuals perceived as "foreign" (typically those with non-white appearances) thus enabling racial profiling under the guise of enforcing immigration law²².

The legal framework is complemented by policies which aim to combat ethnic and racial discrimination, including the EU Anti-racism Action Plan (ARAP) 2020-2025²³. Meant to step up EU action to counter racial discrimination and racism within the EU, the ARAP acknowledges the existence of systemic racism in Europe and sets a clear goal: ensuring equal treatment and rights for all to "make a racism-free EU a reality"²⁴. Unfortunately, the ARAP does not address nor acknowledge the need for coherence between EU migration policies

16 *Ibidem*, para 29.

17 A prominent example of intersecting forms of discrimination is the case of undocumented sex workers, who faced discrimination and criminalisation because of their residence status and their work in ways that are deeply gendered, racialised and classist. See: European Sex workers Rights Alliance (2022). [Sex Work & Racism: The Impact of Structural Racism on Racialised Sex Workers in Europe and Central Asia](#); PICUM (2019). [Safeguarding the human rights and dignity of undocumented migrant sex workers](#).

18 Sebastiani, L. & Martín-Godoy, P. (2020). [Elective affinities between racism and immigrant integration policies: a dialogue between two studies carried out across the European Union and Spain](#). *Identities*, 29(5), 594–613.

19 Lentin, A. (2008). [Europe and the Silence about Race](#). *European Journal of Social Theory*, 11(4), 487-503.

20 [Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin](#).

21 [Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin](#).

22 ENAR (2009). [Ethnic Profiling](#). Fact Sheet 40. October 2009.

23 [EU Anti-racism Action Plan 2020-2025](#).

24 European Commission (18 September 2020). [Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions \(2020\). A Union of equality: EU anti-racism action plan 2020-2025](#). COM(2020) 565 final, p. 26.

and the overarching goal of combating racial and ethnic discrimination. Instead, it addresses migration as one of the broader policy areas to be covered in a mainstreaming way, in conjunction with the function of the internal EU Task Force on Equality.²⁵ It also fails to address how EU migration policies contribute to racial discrimination against migrants within and outside Europe. For the ARAP to be effective, EU policies must be coherent. EU migration policies should therefore align with and actively support the objectives of the ARAP, in ways that ensure a consistent approach to addressing racial and ethnic discrimination.

It follows that the EU's legal and policy frameworks in the field of anti-discrimination remain insufficient and fail to recognise racism as a systemic issue. Even more, EU policies in the field of migration create a two-tiered regime: one that facilitates migration for some, and another where racialised individuals are routinely targeted based on appearance, assumed origin, or residence status. Indeed, EU migration policies actively perpetuate racial discrimination by limiting safe and regular pathways for people from specific regions while simultaneously criminalising their movement²⁶. The lack of accessible regular migration routes disproportionately impacts people from Africa who experience almost double the Schengen visa rejection rates compared to applicants from other world regions²⁷.

Moreover, the lack of safe and regular pathways

to Europe forces many racialised migrants into irregularity, exposing them to precarious living and working conditions. Without access to secure residence or work permits, undocumented people are often pushed into informal sectors such as domestic work, care, agriculture, and construction, where the risks of exploitation, exposure to work-related health issues and extreme dependency on employers are higher²⁸. These sectors not only rely on undocumented labour but also reflect racial and gender segmentation, with workers often assigned unsafe roles that are paid unequally along national or ethnic origin lines²⁹, reinforcing discriminatory stereotypes and perpetuating structural inequalities.

Furthermore, recent legislative developments across the EU presented as "migration management" are, in reality, driven by anti-migrant rhetoric and rooted in racism and racial discrimination. These policies not only undermine the rights of migrants but also reinforce systemic racism, disproportionately affecting racialised communities. Key recent examples include:

- **November 2023** – The proposed revision of the EU Facilitators' Package further criminalises migration and human rights defenders;³⁰
- **February 2024** – The adoption of the Schengen Border Code reform, which legitimises racial profiling in border checks, embedding discrimination in border enforcement.³¹

25 European Commission (18 September 2020). [Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions \(2020\). A Union of equality: EU anti-racism action plan 2020-2025](#). COM(2020) 565 final., p.19.

26 Taddele Maru, M. (2024). [Predetermined Bias: Comparing the Visa Rejection Rate of Africans versus the Rest of the World](#).

For further readings on discriminatory global mobility see also:

Rosenberg, A. (2022). [Racial Discrimination in International Visa Policies](#). *International Studies Quarterly*, December 18, 2022.

Spijkerboer, T. (2018). [The Global Mobility Infrastructure: Reconceptualising the Externalisation of Migration Control](#). *European Journal of Migration and Law*. 20.

27 Taddele Maru, M. (2024). [Predetermined Bias: Comparing the Visa Rejection Rate of Africans versus the Rest of the World](#).

28 On the occupational health and safety in these sectors see the following publications:

Castillo-Rojas-Marcos, J.; Molinero-Gerbeau, Y.; Ruiz-Ramírez, C. (2024) [Essential but Invisible and Exploited: A literature review of migrant workers' experiences in European agriculture](#). Oxfam International.

EU-OSHA (2009). [The occupational safety and health of cleaning workers](#). P. 28.

29 PICUM (2020). [A Worker is a Worker: How to ensure that undocumented migrant workers can access justice](#).

30 [Proposal for a Directive](#) of the European Parliament of the Council laying down minimum rules to prevent and counter the facilitation of unauthorised entry, transit and stay in the Union, and replacing Council Directive 2002/90/EC and Council Framework Decision 2002/946 JHA; PICUM (2024) [How the New EU Facilitation Directive Furthers the Criminalisation of Migrants and Human Rights Defenders](#)

31 [Regulation \(EU\) 2024/1717](#) of the European Parliament and of the Council of 13 June 2024 amending Regulation (EU) 2016/399 on a Union Code on the rules governing the movement of persons across borders ; PICUM Press Release of 7 February 2024 [Racial profiling key element in the new deal on the Schengen Borders Code](#); PICUM (2024). [PICUM Analysis How will the new Schengen Borders Code affect undocumented migrants?](#)

- **May 2024** – The adoption of the Pact on Migration and Asylum, which:³²
 - Normalises the arbitrary use of immigration detention, including for children and families.
 - Increases racial profiling.
 - Introduces "crisis" procedures that enable pushbacks.
 - Expands returns to so-called "safe third countries," where individuals risk violence, torture, and arbitrary imprisonment
- **March 2025** – The European Commission's proposal for a new EU regulation on return, which:³³
 - Establishes deportation as the default option for people in an irregular migration situation;
 - Massively expands immigration detention, including of children (despite the international human rights framework clarifying that immigration detention of children is never in their best interests and always a child rights violation; as well as global level commitment to work to end immigration detention)³⁴;
 - Promotes 'detection' measures to identify undocumented migrants, which among others may lead to increased reporting obligations³⁵ and racial profiling;
 - Introduces specific derogations from fundamental rights for migrants deemed a "risk" to national security and public order, further blurring the lines between criminal law and migration.

These developments stand in direct contradiction to international human rights standards, including those enshrined in the Convention on the Elimination of Racial Discrimination³⁶ and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families³⁷.

They are unfolding in a broader context of shrinking space for civil society, where organisations working to uphold fundamental rights face growing restrictions and reduced funding, as well as judicial and other forms of harassment towards migrants and those providing them humanitarian assistance.³⁸

32 [Regulation \(EU\) 2024/1717](#) of the European Parliament and of the Council of 13 June 2024 amending Regulation (EU) 2016/399 on a Union Code on the rules governing the movement of persons across borders ; [Regulation \(EU\) 2024/1356](#) of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817; [Regulation \(EU\) 2024/1349](#) of the European Parliament and of the Council of 14 May 2024 establishing a return border procedure, and amending Regulation (EU) 2021/1148 ; [Regulation \(EU\) 2024/1358](#) of the European Parliament and of the Council of 14 May 2024 on the establishment of 'Eurodac' for the comparison of biometric data in order to effectively apply Regulations (EU) 2024/1351 and (EU) 2024/1350 of the European Parliament and of the Council and Council Directive 2001/55/EC and to identify illegally staying third-country nationals and stateless persons and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, amending Regulations (EU) 2018/1240 and (EU) 2019/818 of the European Parliament and of the Council and repealing Regulation (EU) No 603/2013 of the European Parliament and of the Council; [Regulation \(EU\) 2024/1359](#) of the European Parliament and of the Council of 14 May 2024 addressing situations of crisis and force majeure in the field of migration and asylum and amending Regulation (EU) 2021/1147; PICUM has developed a series of publications analysing the different parts of the EU Pact on Migration and Asylum, with a focus on their impact on detention, return, access to regular pathways and the rights of undocumented adults and children. See: [Analysis of the Asylum Procedure Regulation and Return Border Procedure Regulation](#), [Analysis of the Screening Regulation](#), [Children's rights in the 2024 Migration and Asylum Pact](#). See also, ENAR's analysis on [the racialisation of migration in the EU Pact on Migration and Asylum](#).

33 [Proposal for a regulation of the European Parliament and of the Council](#) establishing a common system for the return of third-country nationals staying illegally in the Union, and repealing Directive 2008/115/EC of the European Parliament and the Council, Council Directive 2001/40/EC and Council Decision 2004/191/EC; PICUM, Press release 11 March 2025 [New Returns Regulation ushers in dystopian detention and deportation regime](#).

34 Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and Committee on the Rights of the Child (2017). [Joint General Comment No. 3 of the CMW and No. 22 of the CRC in the context of International Migration: General principles](#); [Global Compact for safe, orderly and regular migration](#) (2018).

35 Reporting obligations are laws or policies that require public authorities and service providers, such as healthcare workers, teachers, and social service employees, to report undocumented migrants to the public authority responsible for migration control, which might include police, border guards, immigration offices. Thus, 'reporting' refers to the act of sharing a person's personal data, particularly their residence status, with the authorities responsible for migration control. See:

PICUM's factsheet [Reporting obligations and 'firewalls'](#) (2025).

Protect Not Surveil Coalition. [The EU must stop the digitalisation of the deportation regime and withdraw the new Return Regulation](#). Press release 18/06/2025.

36 [International Convention on the Elimination of All Forms of Racial Discrimination](#).

37 [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#).

38 PICUM (2025). [Criminalisation of migration and solidarity in the EU. 2024 report](#).

Recommendations

In light of the above, the upcoming EU Anti-Racism Strategy should:

Explicitly recognise the link between racial inequalities and EU migration policy

The upcoming EU Anti-Racism Strategy must explicitly address the link between EU anti-racism efforts and migration policies, which produce and perpetuate racial inequalities within and beyond European borders³⁹. The current Action Plan fails to acknowledge that migration governance is not racially neutral: from determining who may cross borders and access residence rights to shaping mobility, residence status, and access to services, these policies deeply influence the lives of racialised individuals.

Structural racism is embedded in the racialised assumptions that underpin frameworks such as the Pact on Migration and Asylum⁴⁰, the use of risk-based profiling, and the criminalisation of undocumented people. These frameworks cannot be effectively challenged without situating them within Europe's colonial legacies and histories of racial exclusion.

A meaningful Anti-Racism Strategy must adopt an intersectional, historically informed approach that addresses how racism is systemically reproduced through border control, immigration detention, deportation, and surveillance.

Commit to concrete actions to address racial discrimination in migration policy

The new Anti-Racism Strategy must commit to integrate racial equality across EU policies that institutionalise racism through migration enforcement policies, notably border violence, racial profiling, and discriminatory surveillance. To do so, the Anti-Racism Strategy should commit to:

- Implementing the upcoming joint General Comment/Recommendation by the Committee on the Elimination of Racial Discrimination (CERD) and the Committee on Migrant Workers (CMW) on xenophobia and non-citizens⁴¹,
- Systemically conducting fundamental rights impact assessment - including on racial discrimination grounds - for all EU migration policies and legislation.
- Proposing a recast of the Racial Equality Directive 2000/43/EC that addresses discrimination based on nationality and residence status, and that applies to law enforcement, immigration and border authorities.

39 See: Equinox Initiative for Racial Justice (2022). [Ending Fortress Europe: Recommendations for a racial justice approach to EU migration policy](#).

Abigail Cárdenas Mena (2021). [The EU's Migration and Anti-Racism policies: are we ready for a racism-free Europe?](#) Part two of a series of PICUM blogs looking at the intersection between racism and migration policy.

40 [Pact on Migration and Asylum](#).

41 See the [Call for submissions on concept paper for the CERD-CMW Joint General Comment/Recommendation on Obligations of State Parties on public policies for addressing and eradicating xenophobia and its impact on the rights of migrants, their families, and other non-citizens affected by racial discrimination](#).

Mainstream anti-racism across all EU policy areas

The intersection between racial discrimination and other forms of inequality (related, for instance, to gender, age, disability, and socioeconomic status) must be reflected across all EU strategies and legislative proposals. Coherence between the Anti-Racism Strategy and related frameworks, such as the Gender Equality Strategy, LGBTIQ Equality Strategy, Victims' Rights Strategy, Disability Rights Strategy, and the EU Strategy on the Rights of the Child, is essential. Policy initiatives related to child protection, victim support, digital technologies, and digital transitions must include an anti-racism lens, ensuring that racialised people are neither excluded nor harmed by EU-level actions.

End the instrumentalisation of services for migration enforcement and strengthen data protection safeguards

Undocumented people and those who support them increasingly face a hostile environment, where access to essential services is undermined by measures aimed at detection for immigration enforcement. Public institutions, services, employers, and private individuals are increasingly instrumentalised as tools of immigration enforcement, through measures such as "reporting obligations"⁴². These measures are contrary to fundamental rights and have severe consequences for professionals and racialised communities, regardless of their residence status.⁴³

Measures targeting undocumented people often lead to racial and ethnic profiling, perpetuating discrimination and deterring racialised individuals from accessing services, support, or remedies.

The Anti-Racism Strategy should explicitly commit to ending the instrumentalisation of public services, employers and private actors for migration enforcement purposes. It should ensure that all individuals, regardless of residence status, can safely access essential services without fear of detection or deportation. This includes prohibiting reporting obligations for service providers and employers, strengthening data protection safeguards, and adopting robust measures to prevent and address racial and ethnic profiling.

The Anti-Racism Strategy should also commit to ensuring that any upcoming legislative or policy initiatives at the EU level comply with article 8 of the Charter of Fundamental Rights as well as with the General Data Protection Regulation and the Law Enforcement Directive.⁴⁴

Strengthen safeguards in data collection

Reliable and disaggregated equality data are essential to identify, monitor, and address structural racism and discrimination, including the impact of immigration enforcement measures. Currently, a lack of data on racial and ethnic inequalities hampers effective policy responses and accountability. Nonetheless, this process must be accompanied by strong data protection measures, to ensure the safety of the individuals whose data is collected.

42 Reporting obligations are laws or policies that require public authorities and service providers, such as healthcare workers, teachers, and social service employees, to report undocumented migrants to the public authority responsible for migration control, which might include police, border guards, immigration offices.

43 PICUM, January 2025, [Reporting obligations and 'firewalls'](#)

44 Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance); [Directive \(EU\) 2016/680](#) of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA

Establish safeguards against racialised technologies and surveillance

The increasing use of artificial intelligence and biometric technologies in migration enforcement (such as EURODAC reform⁴⁵, and the Screening Regulation⁴⁶, as well as the proposal for the Return Regulation⁴⁷) raises serious racial justice concerns. The EU must ensure that technological tools used in law enforcement and migration control are subjected to rigorous fundamental rights impact assessments, with specific safeguards against racial profiling. Legislation such as the AI Act⁴⁸ and the Schengen Borders Code⁴⁹ must be revised to prohibit uses of technology that lead to racially discriminatory outcomes.

Ensure participation of racialised communities and undocumented people in policy design and monitoring

The meaningful and informed participation of racialised communities, including people with lived experience of having been undocumented, is essential to the legitimacy and effectiveness of the Anti-Racism Strategy. This includes consultation with racialised communities, civil society organisations, and grassroots groups throughout the design, implementation, and evaluation of policies.

Safeguard civic space and ensure meaningful participation of CSOs in policy design and monitoring

The meaningful and safe participation of civil society organisations (CSOs), notably grassroots and community-led organisations, is essential to advancing the objectives of the Anti-Racism Strategy. In fact, CSOs play a crucial role in exposing structural racism, holding institutions accountable, and amplifying racialised people's voices. It is necessary to ensure that CSOs can operate freely in all Member States, without fear of harassment, intimidation, or restrictions. Consequently, the Anti-Racism Strategy should recognise CSOs as defenders of anti-racism objectives and commit to actively involve them in the implementation and monitoring of the Anti-Racism Strategy.

Ensure EU funds comply with the EU Charter of Fundamental Rights and actively promote the fight against racism

To ensure the integrity of the EU's commitment to equality, non-discrimination, and the rule of law, it is essential that all EU funding strictly complies with the Charter of Fundamental Rights and actively promotes the fight against racial discrimination in all its forms, including its intersections with other grounds such as sex, disability, age, religion, or sexual orientation.

45 Check out the civil society call, promoted by the European Digital Rights network (EDRI), to reject the reform of EURODAC: [Civil society calls for an end to the expansion of EU's EURODAC database](#).

46 [Regulation \(EU\) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations \(EC\) No 767/2008, \(EU\) 2017/2226, \(EU\) 2018/1240 and \(EU\) 2019/817](#).

47 Protect Not Surveil Coalition. [The EU must stop the digitalisation of the deportation regime and withdraw the new Return Regulation](#). Press release 18/06/2025.

48 [Regulation \(EU\) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations \(EC\) No 300/2008, \(EU\) No 167/2013, \(EU\) No 168/2013, \(EU\) 2018/858, \(EU\) 2018/1139 and \(EU\) 2019/2144 and Directives 2014/90/EU, \(EU\) 2016/797 and \(EU\) 2020/1828 \(Artificial Intelligence Act\)](#)

49 [Regulation \(EU\) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders \(Schengen Borders Code\)](#)

Under the current Multiannual Financial Framework (2021-2027), compliance with the Charter is a legally binding "horizontal enabling condition"⁵⁰ for accessing funds like the Asylum, Migration and Integration Fund (AMIF), the Border Management and Visa Instrument (BMVI), and the European Social Fund Plus (ESF+).⁵¹ However, despite these safeguards, there have been documented cases of EU funds supporting practices that violate fundamental rights, particularly in border and detention operations in Hungary, Croatia, and Bulgaria⁵². Implementation remains uneven and opaque, with most civil society organisations unaware of complaint mechanisms to report abuses, and with existing mechanisms lacking independence and protection for plaintiffs.⁵³

These shortcomings must be addressed by the next EU strategy to ensure that there is coherence with the current and future EU budget post-2027. This includes the meaningful implementation of the EU Charter across EU funding programmes, and a proactive promotion of anti-racism measures to strengthen the fight against racial discrimination and intersections with other grounds of discrimination, such as gender, sex, disability, age, religion or sexual orientation. Moreover, the next EU Anti-Racism Strategy should clearly recall that EU funds should not be used in ways that perpetuate racial and ethnic discrimination.

50 [Regulation \(EU\) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy](#). PE/47/2021/INIT. Annex III.

51 See:

PICUM & ECRE (2023). [Fundamental rights compliance of funding supporting migrants, asylum applicants and refugees inside the European Union](#).

FRA (2023). [EU funds: Ensuring compliance with fundamental rights](#).

52 See: Border Violence Monitoring Network (2024). [Input by civil society organisations to the EUAA Asylum Report 2024](#). Bridge EU (2025). [1.1 Billion euros, 63 projects, six countries, one pattern: How EU funds violate fundamental rights](#). Greek Council for Refugees (2025). [EU Funds for Fundamental Rights \(FURI\). Report on Greece](#).

53 PICUM (2023). [Partnership principle in EU funds: strong on paper, weak in practice](#).

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PICUM

For undocumented migrants,
for social justice.

Rue du Congres 37,
1000 Brussels, Belgium
+32 2 883 68 12
info@picum.org
www.picum.org