



# **SPECIAL PROCEDURES UNITED NATIONS HUMAN RIGHTS COUNCIL**

## **End-of-Mission Statement – Official Visit to the European Union**

### **United Nations Special Rapporteur on minority issues**

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#### **I. Introduction**

Good morning.

I wish to express my sincere thanks to the European Union (EU) for extending an invitation to me to conduct this official visit from 19 to 28 January 2026. I appreciate the full cooperation extended to my mandate prior to and during my visit.

In the spirit of cooperation and constructive dialogue, the objective of my visit was to gather information and consult with relevant stakeholders about the situation of persons belonging to minorities within the EU. I sought to assess in depth relevant programmes, policies and institutions and practices to promote and protect the human rights of persons belonging to minorities in the EU, including the EU's social and inclusion policies, minorities' representation within the EU, policy measures addressing hate speech, and the use of minority languages, among other issues.

During this mission, I visited Brussels, Luxembourg, Vienna, and Budapest. I had meetings with the European External Action Service, various Directorate Generals of the European Commission, including the Cabinet of Commissioner Michael McGrath on Democracy, Justice, the Rule of Law and Consumer Protection; Migration and Home Affairs; Education, Youth, Sports and Culture; Employment, Social Affairs and Inclusion; Regional and Urban Policy; Trade and Economic Security; Enlargement and Eastern Neighbourhood; and Justice and Consumers. I also had meetings with the European Personnel Selection Office, the Chair of the European Parliament's Committee on Culture and Education, Chair of the European Parliament's Subcommittee on Human Rights, the European Ombudsperson, the European Committee of the Regions, the Coordination Group for Human Rights Delegates representing Member States, the European Court of Justice, Eurostat, the EU Agency for Fundamental Rights, the EU

Agency for Law Enforcement Training, the European Institute for Gender Equality, as well as the Commission's Coordinator on combating antisemitism and fostering Jewish life, the Commission's Coordinator on combating anti-Muslim hatred, and the Commission's Coordinator on combating racism. I also had a meeting with the inter-institutional staff association *Diversité Europe*. I regret that no meetings were arranged with Commissioners and that most meetings were organized at the technical level – rarely at the senior level. I also regret that it was not possible to secure meetings with the President of the Commission, the President of the European Council, and the Committee on Civil Liberties, Justice, and Home Affairs, despite requests; such political-level meetings (with high-level officials in decision-making positions) are particularly important for visits by UN Special Procedures mandate holders. In addition to meeting with EU representatives, I also met with over 25 civil society actors and other stakeholders that promote the rights of minorities at the EU.

I am grateful to everyone with whom I met for their willingness to engage in an open dialogue to better understand and assess the human rights situation of minorities in the EU. I extend my gratitude to the Office of the High Commissioner for Human Rights Regional Office for Europe in Brussels for the logistical support and the human rights team of the European External Action Service, as well as the Delegation of the EU to the United Nations and other international organisations in Geneva, for its support and collaboration in advance of and during the mission.

I share with you today my preliminary findings and a few recommendations to the EU. What I share with you is not exhaustive, but rather a glimpse of what I have observed over the past 10 days. My main finding is that while the EU strongly advocates strategically and with a lot of leverage for minority rights in third countries, it is not as proactive as regards these rights inside the EU. I therefore draw attention to an apparent double standard in protecting the rights of minorities. The EU must find bolder and more effective ways to protect minority rights within its own borders. The full report containing my final observations and recommendations to the EU will be presented to the Human Rights Council in March 2027.

## II. Context

Progressively built-up on seven main international treaties, the first one concluded in 1951, the EU was officially instituted by the Maastricht Treaty, which came into force on 1 November 1993. The EU is a *sui generis* political and economic union of 27 European countries that work together through shared institutions and common rules.

The proposal to conduct an official visit to the EU<sup>1</sup> was prompted by the EU affirming in [article 2 of the Treaty instituting the EU](#) that:

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<sup>1</sup> The last official visit to the EU by a Special Procedures mandate holder was by the Special Rapporteur on extreme poverty, Olivier de Schutter, between [25 November 2020 to 29 January 2021](#). His final report (A/HRC/47/36) can be accessed [here](#).

“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.**”

It is not common policy to place the rights of persons belonging to minorities among the founding values of a political union rather than treating them as a secondary human rights concern. The EU also stands out as a highly diverse polity, with no single dominant group. The EU’s unique institutional architecture also makes it an interesting case for exploring whether a multilevel governance system can generate innovative and effective ways to accommodate and efficiently protect the specific needs of persons belonging to minorities.

### **III. Legislative Framework and Institutions**

The EU is not a State. As a result, the EU does not have a general competence, or more easily put “an overarching legal authority to act”. The EU can only act on the basis of competences transferred to it by Member States.<sup>2</sup>

Thus, despite that [article 2 of the Treaty on EU \(TEU\)](#) indicates that the respect for the human rights of persons belonging to minorities is a founding value of the EU, it does not automatically attribute a specific competence to the EU in the field of minorities. EU legislation relevant for the rights of persons belonging to minorities are therefore mostly drafted on the basis of [article 19 of the Treaties on the Functioning of the EU \(TFEU\)](#), which states that:

“Without prejudice to the other provisions of the Treaties and within the limits of the powers conferred by them upon the Union, the Council, acting unanimously in accordance with a special legislative procedure and after obtaining the consent of the European Parliament, may take appropriate action to combat discrimination based on sex, **racial or ethnic origin, religion or belief**, disability, age or sexual orientation.”

On this basis, some directives have been adopted. A directive is the equivalent to an EU framework law, which needs to be transposed by Member States into national legislation to produce effective legal effects. For example, in tackling discrimination, notably the [Racial Equality Directive \(2000/43/EC\) of 29 June 2000](#) implements the principle of equal treatment between persons irrespective of racial or ethnic origin. Thus, ethnic minorities are covered by this EU legislation. However, no identical legal acts exist for national, religious or linguistic minorities.

The EU also adopts strategies on specific grounds for discrimination. These are non-binding Commission documents, which allow for action plans and policy instruments to

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<sup>2</sup> [Article 5 para 2 of the Treaty on the EU](#) states: “Under the principle of conferral, the Union shall act only within the limits of the competences conferred upon it by the Member States in the Treaties to attain the objectives set out therein. Competences not conferred upon the Union in the Treaties remain with the Member States.”

be developed. It must be underscored that the EU does not have a single, comprehensive “minority rights strategy”, but it has developed a suite of thematic strategies aimed at addressing racism, discrimination, and the situation of specific minority groups, including the following:

- The [\*EU Strategy on Combating Antisemitism and Fostering Jewish Life \(2021-2030\)\*](#), adopted by the European Commission on 5 October 2021.
- The [\*EU Roma Strategic Framework for Equality, Inclusion and Participation \(2020–2030\)\*](#), adopted by the European Commission on 7 October 2020.
- The [\*EU Anti-Racism Strategy \(2026-2030\)\*](#), adopted on 20 January 2026 by the European Commission, during my official visit to the EU.

Some anti-discrimination directives, notably in the field of employment, address various other grounds of discrimination concerning minorities. In addition to specific strategies, the Commission has appointed coordinators to foster the implementation of two strategies, namely: the Commission’s Coordinator on combating antisemitism and fostering Jewish life and the Commission’s Coordinator on combating racism. Also, in 2015, the Commission created the position of the Commission’s Coordinator on combatting anti-Muslim hatred. Another inconsistency must be flagged in the approach of the Commission in addressing minority issues, as there is no EU strategy on combatting anti-Muslim hatred within the EU. Although two religious minority groups benefit from dedicated coordinators at the Commission level, the EU has no parallel structures for other religious minorities. Who, within the EU, is addressing the challenges faced by Hindus, Buddhists, Bahá’ís, and Christian denominations experiencing marginalization? There is also a discrepancy in the capacity and resources available to each of the three coordinators. The Coordinator on combating antisemitism and fostering Jewish life has three staff members, the anti-racism coordination team consists of the Coordinator herself and two additional staff members, while the Coordinator on combatting anti-Muslim hatred does not have a dedicated team and only receives support from the Secretariat-General unit’s team members where required.

This institutional framework illustrates the reactive and piecemeal approach by the European Commission, due to a lack of a clear EU competence in the field of minority protection. This fragmented approach leaves many gaps in the protection of the rights of persons belonging to minorities at the EU level.

Thus, I observed a glaring mismatch between the recognition of the rights of persons belonging to minorities as a founding value of the EU and the inadequate institutional and regulatory machinery to deliver on it.

#### **IV. Promising developments**

##### **A. Defining minorities in the EU**

The EU has no official, common legal definition of “minorities”. [Article 2 of the TEU](#) does not define the term “minority”. This leaves room for a broad interpretation of minorities, not confined to past understandings of what it means to be a minority within the EU. As was clarified in my conversations with various Directorate Generals during the visit, this means that the work of the EU in the field of minority issues addresses not only ethnic or religious minorities, but also migrants, descendants of migrants, refugees and refugee claimants, as groups that could be victims of discrimination. However, since the EU offers no definition, it is up to individual Member States to define which groups count as minorities within their territory. This leads to large inconsistencies across Europe.

## **B. External action on minority issues**

Since the EU Council established the [Copenhagen criteria](#) in 1993, protecting the rights of persons belonging to minorities has been a core condition for accession. Enlargement countries are expected to show genuine commitment and effectively implement policies ensuring the rights of national minorities. They must have robust and comprehensive legal frameworks that safeguard minority rights, including anti-discrimination laws, freedom of expression, thought, belief, religion, and association. The EU monitors the progress of candidate countries regularly, supported by the expertise of organizations like the European Commission against Racism and Intolerance, the Council of Europe monitoring bodies on national and linguistic minorities, and the OSCE High Commissioner on National Minorities, which provide complementary assessments and recommendations.

The EU has an external human rights policy implemented by the European External Action Service that seeks to address discrimination on grounds such as race or ethnic origin; religion or belief; language; sexual orientation and gender identity. The European External Action Service has developed guidelines on the protection of specific marginalized groups, including in relation to religious minorities.

Trade policy is another area that offers the EU real leverage to promote human rights and minority protection beyond its borders. Human rights clauses and references to ILO non-discrimination standards in free trade agreements push partner countries to engage in dialogue and deliver tangible reforms. Through its Generalized Scheme of Preferences Plus (GSP+) scheme, the EU examines compliance with 27 core international conventions, including in relation to minority rights. Minority-related concerns raised under GSP monitoring and Free Trade Agreement implementation have, in several cases, driven meaningful improvements in the protection and fulfillment of minority rights.

## **C. Data collection**

Many EU countries do not collect data on ethnicity or religion, which significantly hampers efforts to identify and address discrimination. Without reliable, disaggregated data, it becomes difficult to document disparities across the EU in areas such as

employment, housing, education, policing, and access to services. This lack of visibility means discriminatory patterns often remain anecdotal rather than statistically demonstrated, weakening the ability of equality bodies, civil society, and EU institutions to hold governments accountable. As a result, policymakers operate without a clear picture of how different minority groups experience inequality, making it challenging to design targeted interventions or evaluate whether existing policies are effective. In short, the absence of consistent, comparable equality data across EU Member States creates a structural blind spot that undermines evidence-based policymaking and allows discrimination against minority groups to go under-reported and unaddressed.

Eurostat works to develop and harmonize statistics on equality and non-discrimination, focusing on the protected characteristics defined in EU law and policy—sex, racial or ethnic origin, religion or belief, sexual orientation, disability, and age—which include areas directly affecting minority groups. It has set up an Equality and Non-Discrimination Statistics Task Force to improve the quality, harmonization, and coverage of equality-related data across the EU, including in relation to minority rights. It brings together national statistical offices and EU bodies to improve coordination and address data gaps on protected characteristics such as ethnic origin and religion.

I commend efforts by the EU Agency for Fundamental Rights (FRA) for the large-scale, disaggregated data collection it undertakes to monitor discrimination, hate crime, and social inclusion of key minority groups across the EU, including people of African descent, Muslims, Jews, and immigrants and descendants of immigrants.

The efforts carried out by Eurostat and FRA in collecting data on minority issues dispel any misconceptions that the General Data Protection Regulation (GDPR) inhibits the collection of meaningful data and statistics on the grounds of ethnicity or religion. Time and again, I heard from EU interlocutors that the GDPR prevents them from better understanding minority issues, as minority-related information falls under special categories of personal data. GDPR does not prohibit collecting data about minorities with the purpose of informing anti-discrimination policies. It does require strong safeguards, explicit justification, and, ideally, explicit consent, making it possible but more complex to gather the equality data needed to protect minority rights. Member States' approaches in this regard vary widely.

#### **D. Funding civil society organizations working on minority issues**

I also commend the EU for the financial support it provides to civil society minority-focused initiatives in third countries. It is crucial that the same level of support is extended more to civil society actors who are addressing minority issues inside the EU, including as regards endangered linguistic minorities and discrimination based on structural racism. Through the Erasmus+ programme, over 29,000 organizations have been supported, including to deliver projects on the improvement of access of Roma to

education and lifelong learning, raising awareness about cultural diversity, combatting discrimination, hate speech, racism and xenophobia, and in training Roma inclusion mediators. It is important that the next Multiannual Financial Framework (2028-2034) does maintain and even strengthens support to civil society organizations defending minorities, to avoid further shrinking of civic space.

#### **E. Focus on Roma issues**

As a result of the second *[EU Roma Strategic Framework for Equality, Inclusion and Participation \(2020–2030\)](#)*, there are numerous initiatives to address anti-gypsyism and discrimination against Roma, including:

- The monitoring of each EU country's National Roma Strategic Framework by the European Commission.
- The European Roma Platform and Roma Summits, which bring together national governments, EU institutions international organizations, and Roma civil society to engage in dialogue on addressing Roma issues.
- Roma surveys conducted by FRA.
- European Child Guarantee, which aims to ensure that children, including Roma Children, have access to early childhood education, healthcare, adequate housing and nutrition.
- EU funding for Roma inclusion, including the European Social Fund.
- Annual commemoration by the European Parliament of International Roma Day on 8 April.

Interestingly, the strategic framework does not rely on a coordinator as other minority-focused strategies do. Rather, there is a dedicated unit, within DG JUST. The unit, which includes staff that are of Roma origin, allocates substantial resources to actors implementing the strategic framework. Beyond this exception, Roma representation within the EU is severely lacking, both within the EU workforce as well as, for the current legislature, in the EU parliament. Not a single Member of the European Parliament currently identifies as Roma, despite the Roma being the EU's largest ethnic minority.

### **V. Challenges**

#### **A. Siloed approach to minority issues**

While I appreciate that the EU anti-discrimination approach covers most minoritized groups<sup>3</sup>, including immigrants and descendants of immigrants, I urge the European Commission to adopt a more comprehensive minority rights framework that ensures a

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<sup>3</sup> Unfortunately, as “language” is not mentioned in [article 19 of the TFEU](#), linguistic minorities are not covered. See section “D. Linguistic Minorities”.

streamlined approach and addresses all minority issues across the EU, including those of linguistic minorities who are currently left out of EU strategies and policies.

### **B. Lack of diversity within the EU institutions, bodies, and agencies**

I am deeply concerned about the lack of diversity within the EU, including the European Parliament. Despite efforts by the European Personnel Selection Office to better understand and address the lack of diversity in the EU workforce, minorities, including racialized and ethnic minorities, are severely underrepresented within the EU's institutions, bodies, and agencies. In stark contrast to its motto, 'United in Diversity', the EU's workforce remains far from representative of the diversity found within the EU.<sup>4</sup> All EU institutions, agencies and bodies must accelerate efforts to recruit and retain more persons belonging to minorities. By recruiting more employees from religious, linguistic, and ethnic minorities across the EU, the Union would draw on a much broader range of perspectives, strengthening its capacity for innovation, improving the quality of decision-making, and enhancing its ability to respond more effectively to the needs of all EU communities, including minorities.

I also received worrying testimonies of strongly discriminatory and racist attitudes within the EU by staff members that did not prompt appropriate reaction by the senior management. This issue must be urgently addressed in line with international anti-racism standards.

### **C. Colonial legacy**

A widespread grievance expressed by many EU racialized and ethnic minorities who are descendants of colonized communities is the failure of EU Member States to address the legacies of Europe's colonial past as a way to eradicate present day's deeply rooted manifestations of racism. The EU must recognize that colonialism shaped Europe's collective history as a way to publicly acknowledging the long-lasting impacts colonialism has had on colonized communities and their descendants, including indigenous people and descendants of slaves and indentured workers of EU colonies. A significant number of persons linked to this past currently live in the EU. While there are a few EU Member States that have begun addressing their own colonial histories, the EU is best-placed to urge Member States to engage in a cross-European dialogue about their shared colonial past and to develop an EU-wide framework on colonial memory and truth-telling, which can support public education initiatives, and acknowledge the contribution of currently minoritized groups to the EU's pluralist and diverse societies. I therefore call on the EU to step up efforts to recognize how the legacy of European colonialism continues to shape racial inequalities today, including within the EU.

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<sup>4</sup> It may however be an issue of misperception of EU civil servants. Many display a strong European identity, maybe at the expense of genuine minority identities. I was struck that some EU interlocutors told me that there was no minority sensitive policy within their institutions, before informally telling me that they themselves belonged to a minority group; maybe a combination of minority and EU identity does exist within the EU workforce and just needs to be better emphasized.

#### **D. Linguistic minorities**

While the EU recognizes linguistic diversity as a value in [article 3 of the TEU](#), it does not have a dedicated, binding legal framework to protect linguistic minorities. Further, linguistic minorities have no specific protection, as language is not a forbidden ground of discrimination indicated in [article 19 of the TFEU](#) – despite being included as a forbidden ground for discrimination in [article 21 of the EU Charter of Fundamental Rights](#). The EU lacks the authority to enforce linguistic minority protection, leaving substantial responsibility to Member States and to the [Council of Europe's European Charter for Regional or Minority Languages](#), which is the main legal instrument for protecting minority languages. I would suggest, in order to address linguistic minority issues, for the EU to base its action on [article 167 of the TFEU](#) which states that “the Union shall take cultural aspects into account in its action under other provisions of the Treaties, in particular in order to respect and to promote the diversity of its cultures”; the diversity of EU cultures certainly includes the diversity of languages, including minority languages, and a support action, maybe a strategic Framework for endangered minority languages, would be welcome.

When it comes to the rights of deaf and hard-hearing people, in the EU, their rights are mainly protected through disability-related legislation and policies such as the [European Strategy for the rights of persons with disabilities 2021-2030](#), the [European Accessibility Act](#), the [European Electronic Communications Code](#), the [AudioVisual Media Services Directive](#), and the [directive establishing a European Disability Card and European Disability Parking Card](#). However, very little has been done, at the EU level, to safeguard the linguistic rights of deaf people from a minority perspective, in line with [article 2 of the TEU](#). The EU lacks the competency to recognize national sign languages as full languages. Deaf communities face increased challenges and barriers when willing to impart information from and interact with EU institutions in their national sign languages.

### **VI. Opportunities**

#### **A. Jurisprudential guidance**

As is generally recognized, the EU has largely been made possible thanks to the audacious and constructive case-law of the European Court of Justice (ECJ). For example, the principle of primacy of EU law – which is one of the most prominent features of the EU's success (and even very existence) – was identified by the ECJ case-law and is still referred to as a genuinely jurisprudential interpretation of the Treaties. The ECJ has also been interpreting constructively the treaties to fine-tune the competencies boundaries between the EU and Member States. It is therefore likely that ECJ case law can play a significant role in strengthening the EU's ability to address minority issues more effectively.

On the issue of competencies, while it is clear from [article 51 of the EU Charter of Fundamental Rights](#) that the provisions of this Charter do not provide ground for new competencies of the EU, the legal value of [article 2 of the TEU](#) (especially its direct effect) is still open for interpretation. Implementation of [article 2 of the TEU](#) is closely linked to a political mechanism of guarantees ([article 7 of the TEU](#)), of which the Court is largely excluded (according to [article 269 of the TFEU](#)). In parallel, the invocation of [article 2 of the TEU](#) by claimants in front of the ECJ has happened with increasing regularity, especially as regards the rule of law principle, as one of the values stated in [article 2 of the TEU](#). However, such invocation has always been additional to the infringement or interpretation of another EU law provision. In a pending case of infringement brought by the [European Commission against Slovakia \(case 799/23\)](#), it may be expected that the ECJ addresses the stand-alone violation of [article 2 of the TFEU](#). If this was to be answered positively, that would give great hope for an enhanced judicial protection of the rights of all persons belonging to minorities within the EU, through the direct effect of [article 2 of the TEU](#).

As regards discrimination issues, I also commend the significant decision of the Court, rendered on 18 December 2025 in the [case 417/23](#), concerning the compatibility of Danish public-housing legislation with EU rules on racial and ethnic discrimination. The case clearly defines what must be understood as direct and indirect discrimination, as regard discrimination based on ethnic origin.

Based on the historically progressive role of the ECJ in the advancement of European integration as well as the protection of EU citizens and foreigners' rights, it is reasonable to expect the Court to enhance the level of protection of persons belonging to minority within the EU, as stated by [article 2 of the TFEU](#). Throughout the EU's integration process, the Commission has shown a strong capacity to build policy frameworks and legislative initiatives on the basis of ECJ decisions. While fully recognizing and respecting the independence of the judiciary at all levels, I remain optimistic that forthcoming ECJ case law will meaningfully contribute to advancing the rights of persons belonging to minorities.

## **B. Anti-racism strategy**

In an effort to comprehensively combat racism within the EU, the European Commission adopted the [EU anti-racism action plan 2020-2025](#), outlining a range of measures to be implemented at the EU as well as at national, regional, and local levels. This included legislative initiatives to strengthen protections against racial discrimination along with increased funding for anti-racism civil society organizations, through the [Citizens, Equality, Rights, and Values](#) programme. Regrettably, only 14 Member States have adopted stand-alone national or regional action plans against racism. Coincidentally, during my visit, the Commission adopted the [EU Anti-Racism Strategy 2026-2030](#), which builds on the 2020-2025 action plan. This strategy has the objective of combating racism

in all its forms, including anti-Black racism, antigypsyism, antisemitism, anti-Asian racism and anti-Muslim hatred. Of course, I welcome the newly-adopted anti-racism strategy of the EU, but I cannot ignore the feedback from civil society organizations and share their concern that the new EU strategy has been watered down in its ambition to combat racism.<sup>5</sup>

## **VII. Conclusions**

The EU is instrumental in advocating for minority rights outside the EU, especially through its enlargement policy, the GSP+, and the work of the European External Action Service, but it lacks the tools and will to efficiently deal with minority issues within the EU. This gap must be closed to dispel any perception of double standards.

As the Commission considers that the EU does not have a clear competence in the area of minority rights, as explained earlier, it cannot adopt laws, policies or binding measures that directly protect minorities within the EU. As an alternative, the EU should promote an approach (for example, through the Open Method of Coordination) that compels Member States themselves to live up to this common founding value. I look forward to engaging with the EU further on how this can be realized.

As I indicated in my opening remarks, the full report containing my final observations and recommendations to the EU will be presented to the Human Rights Council in March 2027.

Thank you.

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<sup>5</sup> For example, as reported here: <https://www.dw.com/en/new-eu-anti-racism-strategy-misses-the-point-say-ngos/a-75588965>