

Contents

<i>Acknowledgements</i>	vii
<i>List of Abbreviations</i>	xiii
<i>List of Tables</i>	xv
<i>Table of Cases</i>	xvii
<i>Table of Legislation</i>	xix
Introduction	1
1. 'Race', Ethnicity, and Racism in Europe	7
A. 'Race' and Racism	8
B. Scientific, Cultural, and Institutional Racism	9
C. 'Race', Ethnicity, and Law	12
D. Groups Vulnerable to Racism	17
E. Intersectionality and Racism	21
F. Conclusions	24
2. Racism and Equality	27
A. Formal Equality	28
The limits of formal equality	29
B. Substantive Equality	31
The limits of substantive equality	36
<i>Accommodating difference</i>	36
<i>Equality of opportunity or outcome</i>	37
<i>Reflecting diversity</i>	40
C. Conclusions	42
3. Mainstreaming Ethnic Equality	43
A. The Emergence of Mainstreaming	44
B. Explaining the Rise of Mainstreaming	45
Weaknesses in existing equality law instruments	45
Mainstreaming and EU governance	48
C. Models of Mainstreaming	50
The goals of mainstreaming	51
Methods of mainstreaming	52
<i>Expert-bureaucratic methods</i>	52
<i>Participatory-democratic methods</i>	53
The instruments of mainstreaming	55
<i>Defining the duty</i>	55

<i>Impact assessment</i>	56
<i>Measuring progress</i>	58
D. Conclusions	60
 4. Racism and Anti-Discrimination	 63
A. Racism and Anti-Discrimination Legislation	63
The main elements of the Racial Equality Directive	65
Racism and the Racial Equality Directive	67
Equality and the Racial Equality Directive	68
B. Racism and Anti-Discrimination Policy	71
Pre-Article 13	71
<i>Target groups</i>	71
<i>Key actors</i>	72
<i>Policy orientations</i>	73
Post-Article 13	74
<i>Target groups</i>	75
<i>Key actors</i>	78
Civil society	78
Institutional actors	79
<i>Policy orientations</i>	82
Moving from anti-racism to anti-discrimination	82
Recognizing the limits of individual litigation	82
Mainstreaming and data collection	83
C. Conclusions	85
 5. Employment	 89
A. Employment Legislation	92
B. The European Employment Strategy	94
The structure of the Employment Strategy	95
Ethnic equality and the Employment Strategy	96
Mainstreaming ethnic equality into the Employment Strategy	101
C. The European Social Fund	103
Mainstreaming and the European Social Fund	104
Ethnic equality and the European Social Fund	105
<i>The Integra programme 1997–1999</i>	106
<i>The Equal programme 2000–2006</i>	107
<i>The European Social Fund 2007–2013</i>	109
D. Conclusions	109
 6. Social Inclusion: Education, Health, and Housing	 113
A. From Combating Poverty to Promoting Social Inclusion	117
B. The Social Inclusion Process	118
C. Promoting Ethnic Equality and the Social Inclusion Process	120

From invisibility to key objectives	120
Mainstreaming ethnic equality into social inclusion policy	123
<i>Target groups</i>	123
<i>Data collection</i>	123
<i>Concept of racism</i>	125
<i>Mainstreaming via the OMC</i>	125
D. EU Policies on Education and Health	127
Education	127
<i>Education programmes</i>	128
<i>Applying the OMC to education</i>	129
<i>Mainstreaming ethnic equality and education policy</i>	130
Health	132
E. Conclusions	134
 7. Immigration and Integration	 137
A. Can Ethnic Equality Objectives be Mainstreamed into Immigration Law?	139
B. Irregular Migrants	141
C. Legal Migrants	145
Overview of the current legal framework	146
A framework for equality?	148
D. Integration Policy	149
The principal elements of EU integration policy	150
Integration policy and mainstreaming ethnic equality	151
E. Conclusions	155
 8. Criminal Law	 157
A. Criminal Law and the EU Treaty	159
B. Using Criminal Law to Combat Racism	161
The 1996 Joint Action on racism and xenophobia	161
The Framework Decision on racism and xenophobia	164
Cross-border cooperation on combating racist crime	168
Combating racist media via the EC Treaty	171
Racist offences and EU criminal law	172
C. Promoting Ethnic Equality in the Criminal Justice System	173
Data collection	174
Funding programmes	176
D. Conclusions	177
 Conclusions	 179
A. Combating Racism and Promoting Equality	180
Target groups and intersectionality	182

B. Models of Mainstreaming and Styles of Governance	185
C. Looking to the Future	188
<i>Bibliography</i>	191
A. <i>European Union Official Documentation</i> <i>(Commission, Council, Parliament)</i>	191
B. <i>General Bibliography</i>	197
<i>Index</i>	215