

Questions & Answers on EUMC report “Racist Violence in 15 EU Member States”

What has the report examined and what is its main finding?

The EUMC report highlights the extent and nature of racist violence in the EU-15 and provides a comparative overview of policy responses to the phenomenon. Having critically assessed data collection mechanisms and practices, the report warns that under-recording of racist incidents in most EU countries could hamper effective policy responses to racist violence against minorities. The report’s central conclusion is that official data collection on racist violence in many EU countries is either non-existent or requires further development. It finds that only six Member States maintain a comprehensive system that adequately reveals the extent and nature of racist violence in their society. In most EU Member States, attacks on ethnic or religious minorities and non-nationals are not specifically recorded as racially motivated (or aggravated) offences, and therefore are not published through official crime statistics.

How was the information for the report collected?

The report draws on information and data collected for the EUMC, by its RAXEN National Focal Point (NFP) network¹, on the extent and nature of, and policy responses to, racist violence in the 15 ‘old’ EU Member States. Information is presented, where available, for the years 2001, 2002, 2003 and part of 2004. Quantitative data are offered where this was made available to the NFP. The EUMC then reviewed these data to produce a comparative overview.

As the period covered precedes the accession of the EU’s ten new Member States, in May 2004, the report is limited to data for the EU-15. However, Annex II in the main report gives brief information about data collection mechanisms on racist violence in the new Member States, which was requested in 2004.

What is ‘racist violence’?

The EUMC has previously noted that most Member States do not have a legal definition of ‘racist violence’. For the purposes of the report it therefore drew on the definition of racism used by the Council of Europe². In addition, it integrated the work of social

1 This RAXEN network is composed of 25 contracted consortia of organisations (research organisations, NGOs, special bodies, social partners, etc) that function as the EUMC’s National Focal Points in each of the Member States of the European Union collecting objective, reliable and comparable data regarding racism and xenophobia in employment, education and housing, the situation regarding racist violence and crime, as well as any relevant legislative developments including court cases.

2 Please refer to ECRI General Policy Recommendation No 7 on National Legislation to combat racism and racial discrimination (CRI (2003) 8), adopted on 13 December 2002

scientists and NGOs who define it as racially motivated criminal acts against the person and/or property, and include public insults and defamation, threats, and incitement to racial violence, hatred or discrimination, etc. Within this framework, the NFPs were not supplied with a prescriptive definition of what ‘racist violence’ is, but were asked to collect data on the variety of approaches adopted by Member States. By doing this the EUMC set out to capture as much information as possible about racist violence – including xenophobic, antisemitic and anti-Muslim acts - and to identify any similarities and differences between reporting and recording practices.

Why is good data collection important to combat racism and for the protection of vulnerable minorities’ fundamental human rights?

Good data collection is essential for protecting victims and prosecuting/punishing perpetrators of racist violence. Comprehensive data helps the criminal justice system and its agencies, such as the police, to develop responses to target the problem effectively - for instance by:

- Encouraging victims of racist violence to report incidents; developing accurate knowledge about ‘who’ victims are; and offering support to victims;
- Developing sensitive, effective and visible policing responses to respond to fear and to build trust among vulnerable communities (community policing);
- Using criminal intelligence systems and procedures to build up an effective database about perpetrators; effectively policing and punishing racist violence with proportionate and dissuasive penalties.

What do we know about the perpetrators of racist crime? What about the victims?

Summarising the findings from a variety of reports and research undertaken by government, state agencies, inter-governmental organisations, academics and non-governmental organisations, the following broad generalisations can be made:

- The most vulnerable groups are (listed in alphabetical order): ethnic minorities within the national population; illegal immigrants; Jews; Muslims; North Africans; people from the former Yugoslavia; refugees/asylum seekers; Roma/Sinti/‘Gypsies’.
- Main perpetrators tend to be: young males; members of extremist politically motivated organisations and others not affiliated to such groups.

Recent reports from France, Netherlands and Sweden indicate that the majority of racist crime and violence is not attributable to extremist groups. Although it might be that extremist groups are more careful in concealing their activities, it might also be that there is a trend toward racist violence by individuals without organised political motive.

Is racist violence increasing or decreasing in the EU?

The EUMC’s central finding is that we do not know the ‘true’ extent of racist violence in the EU as official data collection mechanisms are either non-existent or require further development in many Member States. Many NFPs have indicated to the EUMC that there is a problem with racist crime and violence in their country. However, official data collection in many of the EU States often fails to capture the extent and nature of

racist violence - either because an official data collection mechanism does not exist (Greece, Portugal and Italy), data is not made publicly available (Spain), or because data collection is ineffective. Therefore, very low or non-existent raw official data on racist crime and violence might reflect ineffective data collection mechanisms rather than actual low levels of racist crime and violence.

With under-recording of incidents as a distinct possibility in many EU States, there is a serious danger of misjudging the situation and/or applying inappropriate policy responses. Looking only at those few countries that have published figures for each of the years 2001 to 2003 it would seem that racist violence though present is somewhat decreasing. However, initial figures for 2004 show increases in several Member States – for instance in France and the UK - and highlight the urgency of addressing the problem, as it occurs, across the EU.

Which country has the most racist violence? How do countries compare to one another?

Comparing data between countries is misleading. The effectiveness of official data collection systems – where they exist at all - differs greatly between EU Member States depending on:

- each Member State's legislation – what is recognised in law as 'racist' violence and crime;
- whether criminal justice agencies – such as the police and magistrates – have been trained to effectively respond to and record incidents of racist violence and crime;
- the existence of and accessibility to State bodies which record and collect data on racist crime as part of their mandate to combat racism;
- whether victims feel able and are encouraged to report incidents of racist violence and crime to the authorities.

Such differences lead to a distorted picture when comparing the raw figures of racist incidents between individual Member States. Countries with the best data collection systems, broad definitions of racist acts and the most systematically applied legislation will have the most complete figures. The number of incidents recorded may ironically reflect the effectiveness of their definition of racist violence and data collection rather than any notion of racism being more of a particular problem for that State. For example, the UK has developed a thorough data collection system and the most comprehensive concept of what is 'racist violence'. Thus, the UK consistently records the most effective figures for racist incidents and has also developed far-reaching community-based responses to racism further enhanced by the results of inquiry into the murder of Stephen Lawrence. Practices as the UK's should be used as examples for other Member States wishing to develop or improve their data collection systems.

Why are the figures for the UK so much higher than for any other EU country?

The UK is a good practice example of how racist incidents should be identified and recorded. The UK's comprehensive concept of 'racist violence' means recording any incident that the victim, the police officer or even a witness perceives as racially motivated. This leads to figures, which seem high in comparison to other countries.

However, these other countries have a more restrictive definition of racist violence and thus fail to capture its full extent.

Does data collection infringe on the EU's data protection standards?

It is sometimes argued that data containing information about people's ethnic origin should not be collected. However, the EU Racial Equality Directive indicates that information about indirect discrimination can be gathered using statistical evidence, provided that information on ethnic origin is made anonymous. This implies that there is no barrier to the collection of racist violence data according to the ethnic origin of the victim. The report provides examples of countries that currently collect data on minorities' experiences of racist violence without apparently contravening the EU Directive on Data Protection.

What are the EUMC's key recommendations?

The EUMC makes a number of recommendations to improve data collection on racist violence to aid more effective policy development. Improved data collection will assist the development of accurate knowledge about victims and offenders. This will help Governments, criminal justice and social agencies to develop programmes to combat racist violence and crime and assist victims.

The EUMC specifically recommends that:

- EU Member States, which have not yet done so, develop effective and systematic methods for recording racist violence, including recording anonymously the racial or ethnic origin of victims of racist violence.
- National legislation on racist crime and violence recognises racist motivation as an aggravating circumstance and is transferred into criminal justice practice to ensure punishment of such crimes.
- Police and other criminal justice agencies encourage victims to report incidents of racist crime and violence.
- EU Member States enhance the role of Ombudsman or other national observatories in the area of data collection, reporting and commentary concerning incidents of racist violence and crime.
- The EU passes a Framework Decision to approximate criminal legislation and promote judicial cooperation in order to ensure that perpetrators of racist violence do not take advantage of different standards in individual Member States.

How would the European Union's Framework Decision on Racism and Xenophobia improve the situation?

Racism and xenophobia are cross-border phenomena. Effective action therefore requires a coordinated response to meet the transnational dimension at the European level. A Framework Decision sends an unambiguous signal to the perpetrators that there will be no hiding place within the EU for their activities and to the victims that the EU as a whole is acting to combat this evil.

In November 2001, the European Commission presented a proposal for a Framework Decision to fight more efficiently racism and xenophobia at EU level (COM (2001) 664

final). It contains a definition of racist and xenophobic offences and approximates the level of sanctions between Member States.

Adopting the Framework Decision would:

- establish a framework for punishing racist/xenophobic violence as a criminal offence in all EU Member States;
- ensure that racist/xenophobic motivation is recognised as an aggravating circumstance for enhanced sentencing;
- promote judicial transnational cooperation, including extradition where appropriate.

Member States' discussions on the Commission's proposal were suspended until 24 February 2005 when the Council on Justice and Home Affairs meeting, under the Luxembourg Presidency, decided to reconsider the Framework Decision. The EUMC welcomes this development and calls on Member States to move towards adopting the Framework Decision during the current Presidency.