

RACIST VIOLENCE IN 15 EU MEMBER STATES

**A Comparative Overview of Findings from the
RAXEN National Focal Points Reports 2001-2004**

Summary Report

April 2005



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Country specific data and information contained in this report were provided by the National Focal Points of the RACism and XENophobia Network (RAXEN). This summary report is provided for information purposes only and does not constitute legal advice or a legal opinion.

Foreword

Racist violence, which may take a variety of forms from verbal abuse, graffiti and harassment to arson, vandalism, physical assault or even murder, remains unfortunately a common and persistent problem in most Member States of the European Union. Racist violence is distinguished from other forms of violence in the motivation behind the behaviour. Its impact affects not only the lives of the individual victims and their families, but inter-community relations. Racist violence may also be transnational in its dimension, thereby affecting relations between Member States as perpetrators of racist violence may seek to take advantage of different standards in individual Member States to commit or support racist acts. To be effective policy responses therefore require adequate and reliable data both at the national and at the European level. In addition, reporting systems should have core minimum guidelines to ensure that victims receive a similar level of support and standard of treatment across the European Union.

However, as this report highlights there is great variation between Member States in the data collected and in their response to this problem. Member States with the best data collection systems have also the highest figures for racist violence and tend to be seen as those states with the most racist incidents. This is not the case. In order to know the true extent of racist violence and develop strategies to combat this phenomenon data collection is of paramount importance. Therefore, the EUMC invites those Member States who do not have an effective data collection system in place to examine the more sophisticated systems used by the other Member States and develop effective and systematic methods to record racist violence.

The report highlights the reality of non-existent or ineffectual official data collection on racist violence in many Member States. Without accurate data on the extent and nature of racist violence, Member States are hampered in their ability to develop effective policy responses, and accurate information on the situation of victims of racist violence will remain unattainable. Victims of racist violence run the risk of becoming or remaining invisible in Member States with inadequate or non-existent data collection systems.

This report has been produced to support Member States in their development of appropriate policy responses to racist violence. It presents an analytical comparative overview of the extent and nature of racist violence in fifteen EU Member States. Based on official and unofficial data sources collected by the EUMC's RAXEN National Focal Points, the report offers an insight into the problem of and responses to racist violence for the period 2001-2004.

The main report consists of an analysis of the general situation regarding racist violence in each Member State. Information about official and unofficial data collection mechanisms on racist violence is presented for each Member State in turn, and quantitative data are offered where this was made available to the

National Focal Points. This information is put into the national context with respect to the political and social climate in individual Member States, and at the end of each country profile a brief synopsis is made concerning recent policy developments that variously set out to combat the problem of racist violence. This is followed by a comparative EU overview of racist crime and data collection mechanisms on racist crime in the fifteen Member States, accompanied by an explanatory analysis of the phenomenon of racist violence. The summary report captures the main findings.

It is often argued that data containing information on the ethnic or national origin should not be collected. However, the European Union's Racial Equality Directive indicates that information about indirect discrimination can be gathered using statistical evidence, provided that information on ethnic origin is made anonymous, thus implying that there is no barrier to the collection of racist violence data according to the ethnic or national origin of the victim. The report provides examples of countries that currently collect data on minorities' experiences of racist violence without apparently contravening the European Union's Directive on Data Protection, and recommends a set of steps for the adoption of methods of comprehensive data collection on racist violence across the EU.

The data for this report were collected by the RAXEN (Racism and Xenophobia Network) National Focal Points. The EUMC then reviewed these data to produce a comparative overview of racist violence in the fifteen Member States. Similar overviews regarding the situation in employment, education and legislation have already been published by the EUMC and are available in print or in electronic form on its website (www.eumc.eu.int). I would like to thank the National Focal Points for the excellent work they have carried out in providing the original data for this report, and the research staff of the EUMC for producing such a thorough and detailed comparative analysis.

Beate Winkler,
Director

Summary Report

PURPOSE AND BACKGROUND

Purpose

Racist violence is the most heinous manifestation of racism and xenophobia. Its impact stretches beyond the immediate victims to affect families, friends and whole communities. Individual incidents of racist violence or on-going examples of targeted victimisation instil fear in vulnerable communities. When governments and civil society fail to respond effectively to the problem of racist violence, by condemning it and seeking to prevent and punish it, then potential and actual victims can feel that their experiences of victimisation are not taken seriously. At the same time, ineffectual responses to racist violence can send the wrong message to perpetrators – namely, that their actions will go unpunished.

The EUMC's report on 'Racist Violence in Fifteen EU Member States' looks at the extent and nature of, and policy responses to, racist violence in the EU15. In presenting available information on racist violence, from official and unofficial sources, the report highlights what we know and don't know about the problem, and suggests how data collection on and responses to racist violence might be enhanced: Improved data collection is an important means to ensure a more effective response to a problem about which detailed and accurate information is lacking in many Member States.

Criminal justice agencies, namely the police, which have good data collection on racist violence, and which use this information to develop practical responses, can begin to more effectively target the problem with respect to the following key issues:

- **Victims of racist violence** – encourage victims to report incidents by taking their experiences seriously; in the process, develop accurate knowledge about 'who' victims are; offer support to victims, and refer victims to specialist support agencies where these exist.
- **Communities vulnerable to racist violence** – respond to fear and insecurity among vulnerable communities by building trust; developing sensitive, effective and visible policing responses can enhance trust and will encourage reporting of racist victimisation.
- **Perpetrators of racist violence** – develop accurate knowledge about perpetrators using existing and well established criminal intelligence systems and procedures to build up an effective database; by effectively policing and punishing racist violence, perpetrators will know that criminal justice agencies – and therefore the State – consider racist violence as a serious crime.

As evidenced in the main report, a number of Member States have or are beginning to develop responses to racist violence that recognise some of the above issues. When reading this summary and the main report, it should be remembered that those few Member States that, today, have developed good responses to racist violence were, in previous years, at the same stage as those Member States, which have yet to develop comprehensive policy responses.

The main report also outlines notable policy responses against racist violence in Member States both by the State and civil society:

- **State and civil society** – the State and civil society should be encouraged to build partnerships in an effort to learn from each other about racist violence (its victims and perpetrators); working partnerships can enhance knowledge about effective prevention, responses to, and punishment of racist violence, and can also help to ensure that resources are used where they are most needed and where they can deliver ‘results’.
- **(Good) practice** - positive initiatives against racist violence, by the State and civil society, should be identified and highlighted as examples of ‘good practice’ in an effort to learn from successful initiatives (at the local, national and international level). At the same time, failed practices should also be identified in an effort to avoid duplication of poor practice and ineffectual use of resources.

This summary and the main report will provide an insight into the extent of, and policy responses to, racist violence in the EU15. To this end they provide an overview of current knowledge about and responses to racist violence, by the State and civil society, in individual Member States.

Background

The contents of this report are based on annual evidence submitted to the EUMC, by its RAXEN National Focal Point (NFP) network¹, on the extent and nature of, and policy responses to, racist violence in 15 EU Member States.² Information is presented, where available, for the years 2001, 2002, 2003 and part of 2004.

¹ This 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 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 old 15 Member States. However, Annex II in the main report gives some information about data collection mechanisms on racist violence in the ten new Member States, which was requested from the new NFPs in 2004.

The central remit of each NFP's reporting obligations was to present all available data, from official and unofficial sources, on the extent and nature of racist violence in their country. As part of this exercise, NFPs had to outline data collection mechanisms for racist violence. In addition, NFPs were required to collect information about policy responses and other initiatives, including relevant legislation, to combat racist violence. A description of the background to racist violence in each country, and in particular the activities of extremist organisations, was also requested in an effort to put the reported findings on racist violence into the national social and political context.

Towards the end of the report, the findings for each Member State are presented as a comparative overview, which allows for a critical assessment of each Member State's data collection mechanisms on racist violence. With this in mind, the report offers a critical reading of 'good practice' in response to the problem of racist violence.

In itself, the term 'racist violence' can be interpreted in a variety of ways. Most Member States do not have a legal definition of 'racist violence'. Social scientists specializing in this field and NGOs usually define it as racially motivated criminal acts against the person and/or property, and sometimes include verbal abuse and incitement to racial hatred. To support information gathering in the national context some Member States, for example, target specifically neo-Nazi organizations and their activities. 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 hopes to capture as much information as possible and identify the similarities and differences between reporting and recording practices.

The approaches adopted by the NFPs to the subject of racist violence generally reflect the importance assigned in each Member State to the problem of racist violence. Those Member States with a long history of research, NGO activism and policy intervention in the field of racist violence also tend to have the most comprehensive data on racist violence. As a reflection of this, some NFPs had ample information to work with, while others faced a lack of available information. The results reported here clearly show great variety in the range and depth of information available in each Member State.

WHAT THE REPORT COVERS

The report is divided into three parts.

The main comparative overview of the research findings is given in Chapter 19.

PART I – THE CONTEXT OF THE RESEARCH

Part I, Chapter 1 puts the research into context with respect to what is meant by the terms ‘race’, ‘ethnicity’ and ‘racism’. This helps set the scene for definitions and understandings of ‘violence’ and, more particularly, ‘racist violence’ - which forms the central area of investigation in the report. Having presented sociology and criminology-based readings of ‘racist violence’, **Chapter 2** presents an overview of legal definitions of and approaches to ‘racist violence’. National and international instruments, which variously incorporate responses to racist violence, are briefly outlined in the chapter. Finally, **Chapter 3** offers a critical commentary about attempts to measure the extent and nature of racist violence, particularly as a comparative cross-national undertaking, and looks at the pros and cons of official and alternative data collection mechanisms.

PART II – RESEARCH FINDINGS FOR EACH OF THE 15 MEMBER STATES

Part II takes each of the 15 Member States in turn and, in **Chapters 4 to 18**, explores the available data and sources of data on racist violence. For each Member State, findings are put into context with respect to the social and political background to the phenomenon in the Member State, focusing on the presence and impact of the extremist groups on responses to immigrants and other minority groups. Each chapter presents official and unofficial data, which is deemed reliable by the NFP in question, in an attempt to paint a picture of what is known and what is not known about racist violence in each Member State. The information is then presented with respect to recent political, criminal justice and policy developments that can be considered as positive, and sometimes negative, developments in consideration of data collection on racist violence.

Some NFPs were only able to present descriptive qualitative accounts of racist incidents, often based on media reports. Rather than present a selective reading of these accounts in the comparative report, which poses the danger of offering the reader a skewed interpretation of the nature of racist violence in any one Member State, the decision was made to focus on quantitative data. Given that the prime objective of the EUMC is to ‘provide the Community and its Member States with objective, reliable and comparative data’, the central role of this comparative racist violence report was considered as providing a description and critical appraisal of official and unofficial quantitative data collection.

PART III – OVERVIEW AND UNDERSTANDING OF THE RESEARCH FINDINGS

Following the 15 individual national reports, **Chapter 19** presents a comparative overview of the extent and nature of racist violence for each of the 15 Member States. Given the limitations of trying to compare sparse and different data sets from different countries, the chapter examines notable data trends within selected Member States. On the basis of the research findings, the chapter asks whether Member States under-record racist incidents, and critically assesses the adequacy or inadequacy of existing data collection mechanisms for each Member State. Following the overview of the research findings, **Chapter 20** briefly outlines major theoretical explanations, from criminology and related disciplines, for racist violence. The chapter briefly refers to the cultural and crime context in which racist violent offending is likely to occur in an effort to further understand the evidence supplied in each of the country profiles. **Chapter 21** addresses responses to racist violence by Member States. The chapter looks at stumbling blocks to effective data collection on racist violence, and presents an overview of political and policy influences on recording racist violence. The mainstay of the chapter is devoted to outlining what is meant by ‘good practice’ interventions against racist violence, and offers selected examples of good practice in Member States. These initiatives are critically assessed with respect to innovative and traditional criminal justice interventions against racist violence. Finally, on the basis of the report’s central critique that data collection on racist violence is inadequate, the chapter offers a number of recommendations for improved data collection, which is presented as a set of recommendations.

In addition to the above, the report contains two annexes: the first presents an overview of the population and non-national population for each Member State; the second presents information about data collection mechanisms on racist violence in the ten new Member States.

NOTABLE RESULTS

Data collection on racist crime and violence differs widely between Member States. These differences depend mainly on:

- whether Member States collect data on non-nationals and ethnic minorities, and, specifically, whether the law recognises criminal offences as being specifically ‘racially motivated’, and
- whether Member States focus on racist crime and violence as a social problem that needs addressing

As a result, no two countries have data that is strictly comparable.

Official Data Collection Mechanisms

On the basis of information made available to the RAXEN NFPs, there are three Member States – **Greece, Italy and Portugal** - that have *no public official criminal justice data on racist crime/violence*, or data on discrimination that includes racist crime and violence. **Spain** only released limited figures on racist/xenophobic acts for 2001 at the bequest of the Spanish NFP.

Belgium, Luxembourg and the Netherlands concentrate their data collection on reports of ‘discriminatory offences’. While Luxembourg’s data collection is limited, Belgium and the Netherlands have good mechanisms in place to record a broad range of discriminations. Belgium is also able to identify the number of discriminatory complaints that are related to racist violence, while the Netherlands is able to reveal whether reports are related to ‘oral utterances’ and related to the activities of extremist groups.

Austria and Germany focus their data collection procedures on the activities of extremist groups and associated acts that go against the constitution. The Austrian data does not reveal any detail about violent racist offences, but the German data does. To a lesser extent, **Denmark** focuses its data collection on complaints relating to hate/racist speech and the activities of extremist groups; although data is also available on the nature of violent incidents with a racist motive. **Sweden** also looks at the activities of extremist groups, but incorporates this within a broader framework of data collection on racist violence that is able to identify the extent of extremist group involvement in racist crime/violence

Finland, France, Ireland and the UK have comprehensive data collection mechanisms in place that can reveal a lot about the extent and/or nature of racist violence. Although Finland’s data is limited to 2002, it provides a comprehensive overview and estimate of racially motivated crime and racially motivated violent crime.

On the basis of the above, official criminal justice data collection mechanisms on racist crime/violence (and associated activities) can be described as follows:

Official criminal justice data collection mechanisms on racist crime/violence

Inadequate or non-existent data collection for years 2001, 2002, 2003 and 2004	Partial data collection or data focused on general discrimination	Good or Excellent data collection mechanisms	Good data collection focusing on the activities of extreme right-wing groups/hate speech
Greece	Belgium	Denmark	Austria
Italy	Netherlands	Finland	Germany
Luxembourg		France	
Portugal		Ireland	
Spain		UK	
		Sweden	

Official Data and Under-Recording of Racist Violence

Given that many NFPs indicate that there is a problem with racist crime and violence in their country, official data would seem to under-record incidents of racist crime and violence, either because an official system recording racist violence does not exist (Greece, Portugal and Italy) or because it is not effective enough.

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.

Looking at Trends in Official Data

Given that Member States have different official systems in place for collecting data on racist crimes and violence, it is misleading to try and compare raw absolute data between countries. Instead, a more meaningful reading of available data can be achieved by comparing data between years for the same Member State. In this way we can observe whether reports/records of racist crime and violence, using the same data collection mechanisms, are increasing or decreasing on the basis of percentage changes in collected data between years.

Taking seven Member States for which data on reports/records of racist crime is available for the years 2001, 2002 and 2003 – Denmark, Germany, Ireland, Netherlands, Austria, Sweden and the UK - an analysis of trends can be undertaken for each Member State.

Trends Over Time, 2001-2003

Official reports/records relating to racist crime/violence and associated activities³

	% change 2001-02	% change 2002-03	% change 2001-03
Austria	- 11.9	- 6.2	- 17.4
Denmark	- 41.4	- 23.5	- 55.2
Germany	- 12.2	- 10.5	- 21.4
Ireland	+ 137.2	- 20.6	+ 88.4
Netherlands	+ 22.2	- 15.7	+ 3.0
Sweden	- 15.4	+ 2.1	- 13.6
UK⁴	+ 2.4	- 9.7	- 7.6

Five of the seven Member States experienced an *overall decrease* in reports/records of ‘racist crimes’ and violence (and associated activities) in the period 2001 to 2003

Two of the seven Member States experienced an *overall increase* in reports/records of ‘racist crimes’ and violence (and associated activities) in the period 2001 to 2003

Looking at trends in collected data for individual Member States is a more accurate exercise than attempting to compare different data sets between Member States. However, while percentage changes can indicate an actual increase or decrease in incidents of racist crime and violence, they can also reflect changes in recording procedures. In turn, Member States with consistently low absolute figures, such as Denmark and Ireland, can report dramatic percentage increases or decreases in reports/records of racist crime and violence on the basis of very few incidents.

Unofficial Data Collection

In comparison with official data collection mechanisms, most Member States have some unofficial data collection mechanisms or research on racist violence and crime. For example, **Belgium, France, Greece, Ireland, Italy, Portugal, Austria, Spain and Sweden** all have some alternative sources of information on racist crime and violence. **Luxembourg** suffers from a lack of unofficial data on racist crime and violence, which could form a useful source of information given the country’s lack of comprehensive official data.

³ The data in this table is **not** comparable between Member States. Original sources are quoted in the annex to this summary and in the main report.

⁴ Data for England and Wales

Most unofficial information comes from specialist NGOs working against the problem of racist crime and violence. Working with few resources, data collection by such NGOs tends to be limited, and is often of a qualitative nature. Typically, incidents are either reported directly to an NGO, or they collect descriptive media reports of incidents. Where official data sources are lacking or partial, NGOs however play a vital role in highlighting the problem and nature of racist crime and violence.

In comparison with the Member States listed above, **Denmark, Germany, the Netherlands, Finland and the UK** all have a good range of unofficial data sources on racist crime and violence – with some research going back many years. In these countries information is available from NGOs and academic researchers, of both a quantitative and qualitative nature, about non-nationals and other vulnerable minorities’ experiences of racist victimisation. One important tool that has been utilised in a number of these countries is the ‘victim survey’. This research tool directly asks samples of people about their experiences of victimisation over a specified period of time, and can provide a more accurate picture of racist victimisation than official police statistics.

On the basis of the above, unofficial criminal justice data collection mechanisms on racist crime/violence (and associated activities) can be described according to the following broad categories:

Unofficial data collection/research on racist crime/violence

Inadequate unofficial data sources	Some unofficial data sources	A range of unofficial data sources
Luxembourg	Austria	Denmark
	Belgium	Finland
	France	Germany
	Greece	Netherlands
	Ireland	UK
	Italy	
	Portugal	
	Spain	
	Sweden	

Who are the 'Victims' – Who are the Perpetrators?

Official data, where available, tends to categorise victims according to nationality. In a few Member States, reports of racist crime and violence are classified on the grounds of religion - such as antisemitic or anti-Muslim incidents.

Unofficial data sources, such as NGO reports and research studies, tend to provide more detail about victim characteristics, and at times offender characteristics, than official data.

Summarising the findings from both official and unofficial research, the following broad generalisations can be made:

The most vulnerable groups identified were (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 evidence from some NFP reports – **France, Netherlands and Sweden** – indicates that the majority of racist crime and violence is not attributable to extremist groups. Although it might be the case that extremist groups are being more careful in concealing their activities, it might also be the case that there is a trend towards racist crime and violence among persons not necessarily affiliated to such groups. With this in mind, any notable trends in reports of racist crime and violence that can be attributed to certain individuals or groups need to be carefully monitored, and particularly with regard to recent events at local, national and international level that may spark racist activities.

STUMBLING BLOCKS TO EFFECTIVE DATA COLLECTION

Effective data collection on racist crime and violence is primarily hampered by under-reporting and under-recording. While many Member States have 'good practice' initiatives in place to tackle the problem of racist crime and violence – ranging from legislative and practical criminal justice interventions through to community-based restorative justice interventions – the general absence of comprehensive and reliable data does not allow for an accurate interpretation of the extent and nature of the problem, and how to tackle it effectively.

A number of factors help to explain why some Member States collect official data on racist crime and violence, while others do not. These include: whether there is a political and social focus on victims of crime and, more specifically, victims of racist crime; whether the political and social focus is on minority ethnic groups and non-nationals as a social problem; whether there is a strong NGO movement that

can promote and support initiatives against racist crime and *for* victims; whether the police are encouraged to act as service providers to victims of crime and, in particular, victims of racist crime; and finally, whether a Member State has a strong data collection tradition.

A key element in the above is whether victims of racist crime and violence feel they can approach the police to report victimisation. Where the police proactively encourage victims to report incidents, victims are more likely to report and, therefore, the number of recorded incidents is likely to go up. However, the police are only able to record incidents as ‘racist’ where legislation allows this. In this regard, people may report incidents of racist violence but the information will not be incorporated in any data collection system unless there is legislation in place that can categorise incidents as ‘racist’ or ‘racially motivated’.

In turn, official data collection on racist crime and violence is hampered by the absence or outright ban, in most Member States, on data collection related to an individual’s ethnicity. This is often undertaken under the premise of data protection (see section 2.4, main report). The history of certain Member States, such as Austria and Germany, alongside the factors detrimental to data collection listed above, has served to preclude data collection on ethnicity for fear that this information could be used for, rather than against, discriminatory purposes. While some data is available in Member States on non-nationals (as non-citizens), the experiences of nationals who are also ethnic minorities is absent from criminal justice data collection in practically all EU Member States.

This absence of data presents a problem not only for individual Member States, but also for the EU and its institutions that set out to address and overcome the problem of racist crime and violence. Ideally, data would be collected that allows for a comparable overview of the problem of racist crime and violence between Member States. Yet, given that Member States, where they do collect data, use different instruments and categories, data is not, at present, comparable. Instead, the best we can presently aim for is a comparative analysis of existing data based on different data collection mechanisms. At present, the EUMC’s RAXEN data collection network achieves this goal of comparative data analysis on the basis of different information supplied by individual Member States.

RECOMMENDATIONS

A number of recommendations can be suggested to improve what we know and, in turn, how we effectively respond to the problem of racist crime and violence in the EU. These include both long-term recommendations that can be viewed as gold standards for Member States to aspire to, as well as short-term recommendations that offer Member States short-term workable solutions to the problem of managing and responding to racist crime and violence.

For example, recommendations might include the long-term goal of standardising legislation and data collection on racist crime and violence across all EU Member States. In comparison, short-term recommendations could include the establishment or improvement of existing legislation and criminal justice data collection on racist crime and violence at the level of individual Member States. Yet, given the absence of effective legislation and adequate data collection mechanisms in most Member States, even these short-term recommendations can appear too ambitious.

In addition, any efforts at changing how the law, criminal justice and civil society respond to racist crime and violence demands the establishment of ‘good practice’ criteria in this area. This does not mean the description of activities that have been labeled as ‘successful’ – most often by their initiators - but rather necessitates a careful analysis of legislative, criminal justice and civil society initiatives for their effectiveness in combating racist crime and violence and assisting victims. To this end, **the findings in this report generally show that Member States with comprehensive data collection mechanisms to monitor racist crime and violence also tend to have a range of progressive initiatives to both combat the problem and assist victims.**

EU Member States might learn more about effective responses to racist violence by being able to tap into information about similarly placed projects in other Member States or in other areas within their own country. At the heart of this exchange of ‘good practice’ is the willingness of agencies to share information – both positive and negative. This can only be achieved if systems are in place to monitor and provide information about the extent and nature of, and responses to, racist violence.

On the basis of the findings from the report’s comparative overview of racist violent in the old 15 EU Member States, the following are the report’s main recommendations:

Legislation and Data Collection – Improving Mechanisms

FRAMEWORK RECOMMENDATIONS (LONG-TERM):

- **Allow data collection on ethnicity/religion that can capture incidents of racist crime/violence against national minorities.**
- **Standardise legislation on racist crime/violence in EU Member States.**

This means adopting the Commission's Proposal for a Council Framework Decision on Combating Racism and Xenophobia⁵. If adopted, this would clearly establish a framework for punishing racist/xenophobic violence as a criminal offence, and recognise racist/xenophobic motivation as aggravating circumstances for determining enhanced sentencing.

A central purpose of the Framework Decision is to reinforce criminal law measures aimed at approximation of the laws and regulations of the Member States regarding racist and xenophobic offences.

If the Framework Decision were to be adopted by Member States, it could enhance data collection on racist crime/violence across the EU. Therefore, another recommendation would be to:

- **Standardise data collection on racist crime/violence in EU Member States.**

PRACTICAL RECOMMENDATIONS (SHORT-TERM):

Practical recommendations focus on comparative analysis of existing data.

Practical recommendations for data collection recognise that different data sets can provide a valid base for **comparative analysis**.

To a large extent, the EUMC's RAXEN data collection mechanism and its comparative research reports are based on comparative analysis of diverse data sets. The validity of this exercise should not, given the absence of directly comparable data, be under-valued.

If we aim for comparative analysis of different data sources, rather than attempt to generate directly comparable data, it is recommended to:

- **Establish or improve existing legislation on racist crime/violence in each EU Member State.**
- **Establish or improve existing criminal justice data collection mechanisms for racist crime/violence in each EU Member State.**

⁵ COM (2001) 664 final – Proposal for a Council Framework Decision on Combating Racism and Xenophobia.

In addition, attention can be paid to alternative mechanisms for data collection on racist crime/violence that lie outside the confines of criminal law and criminal justice. Here it can be recommended to:

- **Develop crime/victim surveys.**

These surveys directly ask samples of the population about their experiences of victimisation, and can include questions on racist crime/violence.

Crime surveys allow for details to be collected on victim characteristics, and also allow for data to be collected on repeat victimisation (see main report, Chapter 3). As long as the respondents answer anonymously and present a general picture of victimisation based on group characteristics, then concerns about data protection can be met (see section 2.4, main report).

Crime surveys are quantitative data collection tools that allow comparable data analysis, if the same research questionnaire is applied in different countries. Crime surveys can also look at trends over time, if the same research survey is used each year.

In turn, it can be recommended to:

- **Promote research by NGOs and academic researchers on the extent and nature of racist crime and violence.**

Particular attention should be paid to qualitative research that focuses on the characteristics of victims and offenders, and which critically explores the implementation of criminal and non-criminal justice interventions.

Attention can also be paid to the experience of racist victimisation as part of a process (or continuum) of on-going racist harassment/threat/victimisation.

In-depth quantitative and qualitative data collection, from a range of sources, can help to paint a more accurate picture of the extent and nature of racist violence.

Importantly, improved data collection can accurately characterise offender and victim populations, and can establish whether current criminal justice responses to racist violence are targeting the right groups.

Towards Effective Criminal Justice and Non-Criminal Justice Intervention

We cannot judge the ‘effectiveness’ or ‘success’ of legislative and criminal justice interventions against racist crime and violence unless mechanisms exist to assess them. Comprehensive ‘good practice’ criteria need to be established in Member States so that we are able to make a subjective value judgment of initiatives.

Yet these critical reports of practice initiatives are, in the main, few and far between in most Member States.

POLICY RECOMMENDATIONS:

- **Establish standardised EU ‘good practice’ criteria with which to measure the implementation and ‘success’ of different criminal justice and non-criminal justice initiatives that aim to monitor, combat and respond to racist crime/violence.**
- **Develop standardised EU ‘good practice’ criteria with respect to: legislation; criminal justice practice; NGO interventions; academic research.**

The above recommendations aim to establish whether legislation and practical initiatives have any positive impact on racist crime/violence.

They demand monitoring mechanisms that ask difficult questions with respect to, for example:

- the impact of initiatives on racist offending/recidivism;
- the impact of initiatives on victims of racist crime;
- the impact of new legislation on sentencing disposals;
- the attrition rate between the number of cases reported and the number successfully prosecuted/sentenced.

PRACTICAL RECOMMENDATIONS (SHORT-TERM):

As with attempts to standardize criminal law through the Proposal for a Council Framework Decision on Combating Racism and Xenophobia, the development of standardised ‘good practice’ criteria is easier said than done. Given that each Member State has a different history of and approach to social problems, including racist violence, it is not easy to agree on uniform ‘good practice’ criteria. Therefore, practical recommendations can suggest the following:

- **Develop and implement ‘good practice’ criteria at the national level.**

These should be generic ‘gold standards’ that are referred to at each stage of project development, implementation and follow-up.

National standards should reflect the limitations and possibilities that are inherent to each Member State’s legal culture and history.

- **Develop and implement ‘good practice’ criteria at the individual project level.**

Each project should have built-in ‘good practice’ guidelines that are referred to at each stage of project development.

- **Undertake a comparative analysis of similar projects; for example, youth programme initiatives to re-educate young racist offenders, or police initiatives to respond to the needs of victims of racist violence.**

Where possible, projects should be ‘matched’ to facilitate ease of comparison. Matching can be on the basis of subject matter, sample group, location etc.

- **Enhance the role of Ombudsman and other national observatories (both official and semi-official) in the area of data collection, reporting and commentary concerning incidents of racist crime/violence.**

Particular attention should be paid to the role of public officials, such as immigration officials and the police with respect to their attitude to racist violence, and their response to incidents of racist violence.

In sum, European data on and responses to racist crime and violence would be greatly improved, if EU Member States adopted a number of the above recommendations.

ANNEX

Official data on racist crime/discrimination

Extent of racist crime/violence reported by official sources in Member States (or data on discrimination where other data is not available)⁶

Member State	Source of data	Data for 2001	Data for 2002	Data for 2003	Data for 2004 Latest info available
Belgium	Centre for Equal Opportunities and Opposition to Racism ⁷	1246 reports of racist discrimination, which can include violence	1316 reports of racist discrimination, which can include violence	1827 reports of racist discrimination, which can include violence	NO data available
Denmark	Police	65 complaints relating to hate speech/racist speech	36 complaints relating to hate speech/racist speech	28 complaints relating to hate speech/racist speech	First three quarters of 2004 24
	PET (Danish Civil Security Service)	116 criminal incidents with a suspected racist motive	68 criminal incidents with a suspected racist motive. Of which (according to RAXEN classification under PET categories): Arson 4; harassment 20; vandalism 19; propaganda 8; threats 8; unrest 1; physical attack 8.	52 criminal incidents with a suspected racist motive Of which (according to RAXEN classification under PET categories): Arson 4; harassment 14; vandalism 9; propaganda 12; threats 9; physical attacks 4.	Up until 24/11/2004 24

⁶ The figures in this table are not directly comparable between Member States as they are taken from different sources. Original source: RAXEN NFP reports 2001-04.

⁷ The CEOOR is considered here as 'semi-official'.

RACIST VIOLENCE IN 15 EU MEMBER STATES - A Comparative Overview of Findings from the RAXEN NFP Reports 2001-2004

Table continued	Source of data	Data for 2001	Data for 2002	Data for 2003	Data for 2004
Germany	Federal Office for Internal Security Police	14,725 crimes registered as 'politically motivated criminality, right-wing' No breakdown given in RAXEN3	12,933 crimes registered as 'politically motivated criminality, right-wing' Of which, 940 were 'violent'. Of these 12,933 crimes, 10,902 were classified as 'extremist', of which 772 were classified as 'violent extremist crimes'. Of these 12,933 crimes, 2,789 were xenophobic, of which 512 were violent, and 1,594 were antisemitic, of which 30 were violent.	11,576 crimes registered as 'politically motivated criminality, right-wing' Of which, 845 were 'violent'. Of these 11,576 crimes, 10,792 were classified as 'extremist', of which 759 were classified as 'violent extremist crimes'. Of these 11,576 crimes, 2,431 were xenophobic, of which 465 were violent, and 1,226 were antisemitic, of which 38 were violent.	First ten months of 2004 (Jan-Oct) 6,474 crimes registered as 'politically motivated criminality, right-wing' Of which, 397 were violent. Of these, 6,474 crimes, 1,208 were xenophobic, of which 203 were violent.
Greece	NO official data	NO official data	NO official data	NO official data	NO official data
Spain	Civil Guard Data not publicly available and only supplied to the NFP on request for 2000 and 2001.	66 racist/xenophobic acts recorded. Of these, 37 were related to physical violence, 14 were related to damage to property, and 15 were related to insults and threats.	NO data available	NO data available	NO data available

RACIST VIOLENCE IN 15 EU MEMBER STATES - A Comparative Overview of Findings from the RAXEN NFP Reports 2001-2004

Table continued	Source of data	Data for 2001	Data for 2002	Data for 2003	Data for 2004
France	Ministry of the Interior	NO data available	Total: 1305 racist, xenophobic <i>and</i> antisemitic threats and acts of intimidation reported. Of which 313 were acts. Of the 1305 threats/acts, 924 were against the Jewish community. Of the 313 acts, 193 were against the Jewish community.	Total: 828 racist, xenophobic <i>and</i> antisemitic threats and acts 232 racist and xenophobic threats and acts of intimidation reported. Of which, 92 were acts. In addition, there were 127 acts and 469 threats against the Jewish community.	First 6 months of 2004: Total: 829 racist, xeno, antisemitic <i>and</i> anti-Muslim threats and acts 256 racist and xenophobic threats and acts of intimidation reported. Of which, 95 were acts. In addition, there were 135 acts and 375 threats against the Jewish community. In addition, there were 63 threats and acts of intimidation against the Muslim community
Ireland	Police	43 incidents recorded with a 'racist motive', of which 27 were violence related.	102 incidents recorded with a 'racist motive', of which 80 were violence related.	81 incidents recorded with a 'racist motive', of which 53 were violence related.	NOT available
Italy	NO official data	NO official data	NO official data	NO official data	NO official data

RACIST VIOLENCE IN 15 EU MEMBER STATES - A Comparative Overview of Findings from the RAXEN NFP Reports 2001-2004

Table continued	Source of data	Data for 2001	Data for 2002	Data for 2003	Data for 2004
Luxembourg	Police	16 complaints of racial discrimination were registered	11 complaints of racial discrimination were registered	NO data available	NO data available
Netherlands	National Discrimination Expertise Centre (LECD)	198 discriminatory offences recorded, of these 167 were oral utterances and 20 were committed by extreme right-wing groups.	242 discriminatory offences recorded, of these 191 were oral utterances and 8 were committed by extreme right-wing groups.	204 discriminatory offences recorded, of these 154 were oral utterances (no further detail available).	NO data available
Austria	Police Ministry of Interior Ministry of Justice	528 complaints against individual persons relating to a range of prohibited racist/xenophobic acts 335 crimes with right-wing extremist, xenophobic or antisemitic motivation	465 complaints against individual persons relating to a range of prohibited racist/xenophobic acts 326 crimes with right-wing extremist, xenophobic or antisemitic motivation	436 complaints against individual persons relating to a range of prohibited racist/xenophobic acts 299 crimes with right-wing extremist, xenophobic or antisemitic motivation	NO data available
Portugal	NO official data	NO official data	NO official data	NO official data	NO official data

RACIST VIOLENCE IN 15 EU MEMBER STATES - A Comparative Overview of Findings from the RAXEN NFP Reports 2001-2004

Table continued	Source of data	Data for 2001	Data for 2002	Data for 2003	Data for 2004
Finland	Police	448 reports of crime against foreigners or minorities were assigned a racist motive. NO further data available	3,367 reports of crime against foreigners or ethnic minorities, of which 367 had a racist motive. Of these racially motivated crimes, 38% related to physical violence and attempts, and 18% to damage and other disturbance.	NO data available	NO data available
Sweden	Swedish Security Police	2,670 xenophobic crimes registered (excludes antisemitism). Of which: 25 gross assaults; 409 assaults; 1,038 threats/harassment; 134 vandalism cases; 74 graffiti cases. 115 antisemitic crimes registered: Of which: 1 gross assault; 7 assaults; 41 threats/harassment; 8 vandalism; 12 graffiti.	2,260 xenophobic crimes registered. Of which: 1 murder; 16 gross assaults; 334 assaults; 855 threats/harassment; 73 vandalism; 58 graffiti. 131 antisemitic crimes registered. Of which: 1 gross assault; 5 assaults; 47 threats/harassment; 11 vandalism; 10 graffiti.	2,308 xenophobic crimes registered. Of which: 27 gross assaults; 356 assaults; 878 threats/harassment; 101 vandalism cases; 64 graffiti cases. 128 antisemitic crimes registered. Of which: 3 assaults; 35 threats/harassment; 9 vandalism; 10 graffiti.	NO data available

RACIST VIOLENCE IN 15 EU MEMBER STATES - A Comparative Overview of Findings from the RAXEN NFP Reports 2001-2004

Table continued	Source of data	Data for 2001	Data for 2002	Data for 2003	Data for 2004
United Kingdom <i>(data for England and Wales)</i>	Police/CPS/Home Office	Data for period 2000-01	Data for period 2001-02	Data for period 2002-03	Data for period 2003-04
	Crown Prosecution Service (CPS)/ Home Office	53,092 racist incidents <u>reported</u> to police 25,116 racist offences <u>recorded</u> by police Of which, racially aggravated offences: 3176 wounding; 12,468 harassment; 4711 common assault; 1765 criminal damage to a dwelling; 985 criminal damage to a building other than a dwelling; 1399 criminal damage to a vehicle; 612 other criminal damage.	54,370 racist incidents <u>reported</u> to police 30,084 racist offences <u>recorded</u> by police Of which, racially aggravated offences: 3463 wounding; 14,975 harassment; 5164 common assault; 2228 criminal damage to a dwelling; 1547 criminal damage to a building other than a dwelling; 1885 criminal damage to a vehicle; 822 other criminal damage.	49,078 racist incidents <u>reported</u> to police 31,035 racist/religiously aggravated offences <u>recorded</u> by police Of which, racially/religiously aggravated offences: 4352 wounding; 16696 harassment; 4491 common assault; 2044 criminal damage to a dwelling; 1152 criminal damage to a building other than a dwelling; 1524 criminal damage to a vehicle; 776 other criminal damage.	52,694 racist incidents <u>reported</u> to police 35,022 racist/religiously aggravated offences <u>recorded</u> by police Of which, racially/religiously aggravated offences: 4840 wounding; 20584 harassment; 4017 common assault; 1981 criminal damage to a dwelling; 1162 criminal damage to a building other than a dwelling; 1602 criminal damage to a vehicle; 836 other criminal damage.
	CPS		Racially aggravated offences brought against 2674 defendants	Racially aggravated offences brought against 3116 defendants	
	Home Office	2120 racist incidents in <u>prison</u>	4597 racist incidents in <u>prison</u>	5784 racist incidents in <u>prison</u>	

European Monitoring Centre on Racism and Xenophobia

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Points Reports 2001-2004**

Summary Report

Wien, Printer: Floramedia Austria Ges.m.b.H.

2005 - 28 pp, - 21 x 29.7 cm

ISBN 92-95008-66-9

A great deal of information on the European Monitoring Centre is available on the Internet. It can be accessed at (<http://eumc.eu.int>)

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EUMC Mission Statement

The European Monitoring Centre on Racism and Xenophobia (EUMC) is a thinking, acting and challenging network organisation, working in all sectors of society for equality and diversity, and against racism and xenophobia in the European Union - as a network of knowledge, a bridge-builder and a service organisation.

The EUMC is an Agency of the European Union. Its primary objective is to provide the European Community and its Member States with objective, reliable and comparable data at European level on the phenomena of racism and xenophobia in order to help them take measures or formulate courses of action within their respective spheres of competence. It also studies the extent and development of the phenomena and manifestations of racism and xenophobia, analyses their causes, consequences and effects and highlights examples of good practice in dealing with them.

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ISBN 92-95008-66-9



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